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Security Council

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Letter dated 22 May 2001 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 18 May 2001 (S/2001/509) concerning your proposal to add Slovakia to the list of Member States contributing military personnel to the United Nations Transitional Administration in East Timor has been brought to the attention of the members of the Council. They take note of the proposal contained therein.

(*Signed*) James B. **Cunningham**
President of the Security Council

01-38109 (E) 220501

United Nations S/2001/511

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Distr.: General
22 May 2001

Original: English

Letter dated 21 May 2001 from the Secretary-General addressed to the President of the Security Council

I wish to refer to Security Council resolution 1333 (2000) of 19 December 2000, and in particular paragraph 15 (a), in which the Security Council requested me to establish a Committee of Experts on how the arms embargo and the closure of terrorist training camps demanded in paragraphs 3 and 5 of the resolution could be monitored and for the Committee to make recommendations to the Council at the end of its mandate.

Further to my letter dated 8 March 2001 (S/2001/206), I have the honour to transmit to you the Committee's report, submitted to me by its Chairman. I should be grateful if you would bring the report to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

01-37828 (E) 240501

Annex

Letter dated 18 May 2001 from the Chairman of the Committee of Experts on Afghanistan appointed pursuant to Security Council resolution 1333 (2000) addressed to the Secretary-General

On behalf of the members of the Committee of Experts on Afghanistan, I have the honour to enclose herewith a report in accordance with paragraph 15 (a) of Security Council resolution 1333 (2000).

In this regard, the Committee of Experts would appreciate it if you could kindly forward this letter and its enclosure to the attention of the President of the Security Council.

(*Signed*) Haile **Menkerios**
Chairman
Committee of Experts on Afghanistan
Security Council resolution 1333 (2000)

(*Signed*) Reynaldo O. **Arcilla**

(*Signed*) Michael E. G. **Chandler**

(*Signed*) Mahmoud **Kassem**

(*Signed*) Atilio N. **Molteni**

Enclosure

Report of the Committee of Experts appointed pursuant to Security Council resolution 1333 (2000), paragraph 15 (a), regarding monitoring of the arms embargo against the Taliban and the closure of terrorist training camps in the Taliban-held areas of Afghanistan

Summary

On 15 October 1999 the Security Council unanimously adopted resolution 1267 (1999), in which it demanded that the Taliban in Afghanistan hand over Usama bin Laden, in order that he might be brought to justice, and required the Taliban to cease the provision of sanctuary and training for international terrorists and their organizations. The Taliban took no steps to comply with the Security Council's demands in resolution 1267 (1999), neither with respect to Usama bin Laden nor with respect to the cessation of sanctuary and training for international terrorists and their organizations. Consequently, on 19 December 2000 the Security Council adopted resolution 1333 (2000) to strengthen enforcement of resolution 1267 (1999) and impose further measures on the Taliban.

In order for the Security Council to take the appropriate decision(s) with regard to sanctions, the Council recognized the need for an effective mechanism by which to monitor the degree of compliance with the demands set out in its resolutions. Consequently the Council decided, in resolution 1333 (2000), paragraph 15 (a), to establish a committee of experts to make recommendations on how to monitor (a) the arms embargo and (b) the closure of terrorist training camps. A five-member committee, which was asked to report within 60 days, was thus formed and commenced its work on 19 March 2001.

In order to fulfil its mandate the Committee undertook a series of fact-finding and information-gathering meetings with those States neighbouring Afghanistan or which have a specific involvement concerning the resolutions, that is, the countries referred to as the "six plus two", China, the Islamic Republic of Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan and the Russian Federation and the United States of America.

All the countries visited stressed the fact that without a stable Afghanistan their own stability and security was threatened. All concurred that there can be no military solution to the conflict. They stressed that there has to be a political solution which ultimately is the responsibility of the Afghan people.

To be effective and to ensure the credibility of the United Nations, the sanctions must be enforced. However, they must also be seen as an inducement to the Taliban to engage in meaningful negotiations, leading to the establishment of a broad-based, multi-ethnic and fully responsible government in Afghanistan.

The Six have all stated to the Committee that they will abide by resolutions 1267 (1999) and 1333 (2000) and that they are implementing the requirements of the resolutions with their border control services. The composition of these services varies from country to country but, in the main, they are made up of customs, border guards or police and security service personnel. In some cases the military are also involved.

The effectiveness of these border services varies, depending on their training, the equipment they possess and other local parameters, for example, supporting legislation. All visited have stated that they would welcome the assistance of the international community in improving the capability of their services in the fight against organized crime, drugs and arms smuggling and illegal immigration. Strengthening the border control capabilities of the Six is therefore a key aspect of the measures that should be adopted, particularly in the areas of equipment, techniques, training and legislation.

The Committee recommends that the arms embargo and the closure of the terrorist training camps can best be monitored by making use of the mechanisms which each of Afghanistan's neighbours has in place and by enhancing those countries' efforts with the establishment of sanctions enforcement support teams in each country. These support teams, made up of customs, border security and counter-terrorism experts, should form the basis of a United Nations office for sanctions monitoring and coordination — Afghanistan. The Office, headed by a Director and staffed with specialist officers, will support the work of the teams in the field, as well as task the teams to verify and report to the sanctions Committee on allegations of sanctions-busting and progress being made, in each of the countries, to improve the effectiveness of their border control and counter-terrorism services.

Other recommendations of the Committee are enumerated in the recommendations section of the report.

In the interest of safety and security and speed of implementation the Committee recommends that the proposed sanctions enforcement support teams be based with the existing United Nations offices in the countries neighbouring Afghanistan.

I. Introduction

1. On 15 October 1999 the Security Council unanimously adopted resolution 1267 (1999) in which it demanded that the Taliban in Afghanistan hand over Usama bin Laden, in order that he might be brought to justice, and required the Taliban to cease the provision of sanctuary and training for international terrorists and their organizations.

2. Since the adoption of resolution 1267 (1999), the Taliban have taken no steps to comply with the Security Council's demands, neither with respect to Usama bin Laden nor with respect to the cessation of sanctuary and training for international terrorists and their organizations. Consequently, on 19 December 2000 the Security Council adopted resolution 1333 (2000) to strengthen enforcement of resolution 1267 (1999) and impose further measures on the Taliban.

3. Resolution 1333 (2000), in which among other measures the Security Council imposed an arms embargo on the Taliban and demanded that it close all terrorist training camps, came into effect on 19 January 2001 and remains valid for one year. At the end of that period, the Council will decide whether the Taliban has complied with its demands by delivering Usama bin Laden to a place where he would be brought to justice and by closing terrorist training camps.

4. In order for the Security Council to take the appropriate decision(s), the Council recognized the need for an effective mechanism by which to monitor the degree of compliance with the demands set out in its resolutions. Consequently in resolution 1333 (2000), paragraph 15, the Council specifically requested the Secretary-General in consultation with the Committee to appoint a committee of experts to make recommendations within 60 days regarding how the arms embargo and the closure of the terrorist training camps could be monitored, including inter alia the use of information obtained by Member States through their national means and provided by them to the Secretary-General.

5. A five-member committee composed of the following experts was accordingly appointed by the Secretary-General and commenced its work on 19 March 2001:

Mr. Haile Menkerios (Eritrea) (Chairman)
Mr. Reynaldo O. Arcilla (Philippines)
Mr. Michael Chandler (United Kingdom of Great Britain and Northern Ireland)
Mr. Mahmoud Kassem (Egypt)
Mr. Atilio Norberto Molteni (Argentina)

Aim

6. The aim of this report is to make effective, realistic and affordable recommendations on how to monitor the arms embargo and the closure of the terrorist training camps, as requested in Security Council resolution 1333 (2000).

7. From the outset of the Committee's work it became clear that the matter of financing both the purchase of arms and ammunition and the training of terrorists is integral to the overall problem. The Committee therefore looked into this issue, at every appropriate level, because of the use by the Taliban of money obtained from the production and sale of drugs to support the war in Afghanistan and the training of terrorists.

Orientation

8. Afghanistan, a rugged mountainous country, punctuated by ravines and broader valleys, the latter often very fertile, lies astride the historical trading routes between East and West and North and South Asia and the old Silk Road. The Afghan border totals 5,529 kilometres, being divided, in a clockwise direction, with its six neighbours. Although officially recognized international border entry points are few and far between (see table and map), there are a number of secondary entry points and many unofficial crossing points, particularly on the Afghan-Pakistan border. Smuggling or "trading", as it is known locally, is historically endemic to the region. Unless the Governments concerned pursue an aggressive anti-smuggling policy, however, the majority of contraband goods will continue to transit official border entry points.

Neighbouring country	*Joint border (km)*	*International border entry points*
Iran (Islamic Republic of)	936	Islam Qala (on road to Herat)
Turkmenistan	744	Serhetabat (ex-Khuska) and Imamnazar
Uzbekistan	137	Termez (currently closed)
Tajikistan	1 206	Dusti
China	76	
Pakistan	2 430	Torkham (Khyber Pass) and Chaman

9. The terrain and nature of these border zones is very different from country to country. The areas bordering the Islamic Republic of Iran and Turkmenistan are, for the most part, undulating desert, unlike that with Pakistan, where the border runs for most of its length through very rugged, hostile mountainous country. The northern border with Uzbekistan and Tajikistan, plus a small section with Turkmenistan, is clearly defined and control of it is enhanced by the Amu Darya (or Darya ye-Panj) River, along which lie three ports serving Afghanistan, Keleft (on the border with Turkmenistan), Jeyretan (on the border with Uzbekistan) and Shir Khan (on the border with Tajikistan) (see map).

10. More details on the current situation in Afghanistan and the context within which the majority of the Committee's discussions took place may be found in the most recent report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security, of 19 April 2001 (A/55/907-S/2001/384).

II. Methodology

11. In order to achieve its aim, the Committee undertook a series of fact-finding and information-gathering meetings with those States neighbouring Afghanistan or which have a specific involvement concerning the resolutions, that is, the countries referred to as the "six plus two". The Committee met first with the Permanent Missions to the United Nations of those countries and then with the appropriate representatives of their Governments in their respective capitals, except Beijing. The programme of visits to the region took a full four weeks of the time allotted to the Committee and was carried out in the following order: Washington, D.C., Moscow, Ashgabat, Dushanbe, Tashkent, Delhi, Islamabad and Tehran.

12. Visits to all these countries were managed through their respective Ministries of Foreign Affairs, and included discussions with all the departments responsible for border control measures; police, customs and the security services. In addition, where it was relevant, the Committee met with Ministry of Defence officials.

13. The Committee wanted to hear, first hand from the responsible officials, the commitment of their respective Governments to the relevant resolutions of the Security Council and the measures they have initiated to ensure the effective implementation of the sanctions since the resolutions came into effect. The Committee was also seeking information as to the success of the mechanisms they have in place, and the problems and difficulties, if any, the Governments are encountering in ensuring compliance with the sanctions.

14. One country not visited by the Committee was China, primarily owing to the short time within which the Committee was required to make its recommendations. However, the Committee did meet with China's Permanent Mission to the United Nations and with the Chinese Ambassadors in Turkmenistan and Pakistan.

15. The Committee's request to visit the United Arab Emirates was initially refused, which is regrettable. Although it was later granted, the dates proposed (after 2 June) were well outside the time frame allotted for the Committee's mandate. Hence the Committee was left with questions relating to the arms embargo and money-laundering, which remain unanswered.

16. A meeting with the Taliban authorities, which had been requested through their representatives, did not materialize despite the Committee having made preparatory arrangements and allowed time, while in Pakistan, for a visit to Kabul and/or Khandahar. Unfortunately, the death of Mullah Rabbani and the

subsequent period of Taliban public mourning coincided with the Committee's visit to Islamabad. This event may have provided the Taliban with a convenient excuse for not meeting with the Committee.

17. Besides Afghanistan's neighbours, the Committee also met in Vienna with the Office for Drug Control and Crime Prevention of the United Nations Secretariat and the Director of the Wassenaar Arrangement; in New York with the Office for the Coordination of Humanitarian Affairs and the experts comprising the Monitoring Mechanism on Sanctions against UNITA; in Brussels with former members of the now disbanded Sanctions Assistance Monitoring Mission to the former Yugoslavia and in Lyon with members of Interpol. The Committee was particularly interested to hear what mechanisms these agencies have in place, how these work and where there might be opportunities for cooperation. The Committee further had consultations with French and United Kingdom government officials, in Paris and London.

18. In addition, the Committee had a number of informal meetings with other personalities and officials whose knowledge of the situation in the area was extremely valuable.

19. The Committee received excellent logistic support and assistance from the local offices of the United Nations Development Programme (UNDP) for the visits to the countries neighbouring Afghanistan.

III. Findings of the Committee

A. General observations

20. The "Six" have all stated to the Committee that they are prepared to abide by Security Council resolutions 1267 (1999) and 1333 (2000), despite Pakistan and, to a lesser degree, Turkmenistan and China having certain reservations about the two resolutions.

21. All the countries visited stressed the fact that without a stable Afghanistan their own stability and security was threatened. All concurred that there can be no military solution to the problem. There has to be a political solution that ultimately is the responsibility of the Afghan people.

22. The sanctions must be strictly enforced to ensure the credibility of the United Nations and to be effective. But they must also be seen as an inducement to the Taliban to engage in meaningful negotiations leading to the establishment of a broad-based, multi-ethnic and fully representative government, which will benefit all the peoples of Afghanistan.

23. No monitoring of sanctions will be effective unless there is the total commitment to its implementation by the Member States directly involved. This statement refers particularly to the six countries that border Afghanistan, namely, China, the Islamic Republic of Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan ("the Six").

24. The Committee was given detailed briefings on how each country visited controls its borders with Afghanistan, including, in general terms, the number and types of law enforcement agencies deployed, that is, customs, border guards and security service. Among them, the Six have around 100,000 troops or border guards assigned to controlling their borders with Afghanistan. The methods used, the supporting legislation and the effectiveness of the various border control measures differ from country to country. All those visited stated that they wanted to modernize their services and that they would welcome training and equipment support from the international community. Strengthening the border control capabilities of Afghanistan's neighbours is therefore a key aspect of the measures that should be adopted to ensure effective monitoring.

25. The Committee has also noted a lack of coordination among the Six on how to make the control of their borders more effective. One of the reasons for this situation is the poor state of their political relationships. Another reason is incompatibility in their governmental and security organs, which in many tend to be centralized and compartmental in structure.

26. Drug-trafficking affects all the countries in the region, all of which are now suffering an increase in drug abuse among their own populations. Consequently, there is a genuine interest in controlling the flow of narcotics into their countries and they have accepted the presence of international personnel to assist in combating this difficult problem.

27. The Office for Drug Control and Crime Prevention has thus been able to establish field offices in the region and an assessment and reporting mechanism between those representatives in the field and the headquarters in Vienna. (The interrelation of

drug trafficking with the Committee's task is covered in more detail in paragraphs 55-65 below.)

28. One peripheral but important aspect which must be addressed involves illegal flights in and out of Taliban-controlled Afghanistan. The sanctions Committee has established a mechanism for approving and monitoring permitted flights, in and out of Taliban-controlled airspace, as allowed under resolution 1267 (1999). However, no means currently exists for observing and verifying illegal flights in and out of Taliban-controlled Afghanistan, which is one possible way by which arms, terrorists and cash are moving in contravention of the embargoes.

B. Enforcing the arms embargo

29. The arms embargo is aimed at limiting the capacity of the Taliban to continue its material support for armed terrorism and prosecution of the civil war. The embargo includes a ban on the sale or supply of arms, ammunition and related materiel to Taliban-controlled Afghanistan, and a ban on the sale or supply of technical advice, assistance or training, related to the military activities of the armed personnel under the control of the Taliban.

30. The Committee was informed on a number of occasions that the Taliban has more than enough weapons and that since the Six have been complying with resolution 1333 (2000) "... no weapons have crossed their frontiers on route to the Taliban! ..." All report that Afghanistan has, and continues to suffer from, a surfeit of weaponry, particularly small arms and light support weapons, amassed from a variety of sources over a period of time. Many in fact, particularly Pakistan, Tajikistan and Uzbekistan, complained that weapons are entering their countries from Afghanistan, apparently for dissident extremist groups.

31. Logic suggests that the supply of ammunition for mortars, artillery, long-range rocket systems and tanks is a tremendous logistics task for the Taliban, considering the quantities of all types of ammunition expended during past offensives. To believe that the Taliban are still surviving on former stocks is naive. The replenishment of such quantities would be quite significant and would involve a large number of trucks and/or cargo aircraft sorties. Even if the suggestion that the Taliban received considerable quantities of ammunition and materiel shortly before resolution 1333 (2000) came into effect on 19 January 2001 is true, it is highly likely, as offensives get under way, that the Taliban will need to replenish their stocks.

32. Besides ammunition the Taliban needs diesel for tanks and armoured personnel carriers and aircraft turbine fuel to fly helicopters and their MIG-21 fighter-bombers. A MIG-21 uses about 4,000 litres per 35-minute sortie, which means that, even with low-intensity operations, large quantities of fuel will have to cross into the Taliban-controlled areas, especially as the fighting intensifies. The Committee therefore feels that urgent consideration should be given to aircraft turbine fuel, and possibly the special fluids and lubricants needed for use in armoured vehicles, being specified in the embargo.

33. The flow of arms into, within, and from Afghanistan is a major long-term cause of insecurity and instability in the central Asian region. Therefore effective arms control measures need to be implemented by the Six, reinforced at regional and international levels, in order to confront this grave challenge to international peace and security.

34. However, any measures proposed for Afghanistan must be seen in the wider context of arms control measures targeted elsewhere. Recent international initiatives to control the trade in illegal weapons, including the achievements of the United Nations expert committees on Angola, Rwanda and Sierra Leone and the Wassenaar Arrangement, have resulted in a number of recommendations intended to improve arms control measures. Some of these measures require to be directed towards the situation in Afghanistan within the context of resolution 1333 (2000), in particular the norms at the global, regional and national levels already suggested in the draft programme of action (A/CONF.192/PC/L.4/Rev.1). This draft programme is to be presented for finalization during the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, to be held in New York from 9 to 20 July 2001.

35. Legislation to enforce and strengthen controls on the movement of illicit arms and to respect sanctions regimes should be adopted at the national level. If the necessary political will and institutions are in place, eventual measures could also include the standardization of end-user certificates to make them harder to forge and misuse, and a more effective

system of marking and identifying weapons. Such national efforts should then be coordinated with similar measures at regional and international levels.

36. In particular, Member States should be encouraged to incorporate United Nations sanctions into their national legislation and to prosecute their nationals and companies found guilty of violating the sanctions.

37. The Committee took note of the progress made to date by the States participating in the Wassenaar Arrangement, but also noted that none of the Six were members of the group. Those qualified to join should be encouraged to become active members, and their commitment to comply with the Wassenaar Arrangement could be a positive signal, not only for sanctions enforcement, but also for a general reduction of the threats to security in the region as a whole.

38. The Committee is of the opinion that States should, if not totally control, at least strictly regulate, all arms transactions by "brokers or dealers". Arms are required primarily for the defence of a country from external aggression or internally, to preserve law and order, be the threat from criminals or terrorists. Therefore it should be possible for sales of arms and ammunition to be agreed between States or directly between buying State and the manufacturer in another State, with the latter's approval of the export. Countries must be encouraged to adopt legislation to strictly control this nefarious trade. Consideration should be given to registering all known arms brokers and dealing severely with those acting in contravention of national legislation or embargoes established by the United Nations.

39. One important means of enforcing an arms embargo is to publish information concerning violations of end-user certificate provisions, including names of companies, countries and individuals involved, as well as cases of unauthorized re-transfer of weapons to third parties. Annex I lists a series of measures, by priority, which should be taken, in conjunction with other international arms control organizations and agencies, by a body established to oversee the implementation of an arms embargo. Besides the measures listed, the following key aspects of an arms control regime would have to be set in train internationally and addressed by the monitoring body:

- Addressing illicit supply
- Transparency of laws and regulations and ensuing penalties
- Supporting existing legislation
- Standardization of legislation
- Extradition and related judicial procedures
- Transparency of production, licensing and export regulations
- Creation of an international registry for small arms and light weapons

40. As mentioned above (para. 28) the Committee is concerned that no means of monitoring illegal flights in and out of Taliban-controlled Afghanistan currently exists. This concern was raised with the authorities of the Islamic Republic of Iran and Pakistan, particularly with respect to "gun-running" aircraft bringing in tank, mortar and artillery ammunition for the Taliban. Both confirmed that because of the nature of the terrain it is almost impossible for them to spot aircraft on their air traffic control radars, when they are flown low by determined and experienced pilots. It would be reasonable for those Member States that have the capability to observe aircraft movements in and out of the Taliban-controlled Afghanistan to assist with providing such data to the monitoring mechanism proposed later in this report by the Committee.

C. Closure of terrorist training camps

41. Ample reports exist to indicate the presence of camps in the areas under the control of the Taliban in which terrorists[1] are trained. A large proportion of the foreign "terrorists" fight on the side of the Taliban, believing that they are involved in a Holy War or Jihad, and in many instances this forms part of their "military" training. There are indications that the Taliban is having to rely more and more on so-called "Arab-Afghan" and Pakistani recruits and mercenaries in its efforts to defeat the United Front, as war-weary

[1] For the purposes of the Committee's task, "terrorists", as referred to in resolution 1333 (2000), are the clandestine agents or sub-national groups, be they Afghans or from other countries, that are preparing and training to perpetrate premeditated, politically motivated violence against non-combatant targets in countries other than Afghanistan to achieve sectarian goals.

indigenous Afghans demonstrate an increasing reluctance to be recruited into the ranks of the forces.

42. An important source of recruits to the Taliban cause, is the many *madrassas* (religious schools) situated in Pakistan close to the Afghan border. The curricula in these institutions include training in the use of firearms. From these schools, young men and even boys, both Afghan refugees and Pakistani nationals, are encouraged in the name of Islam to go and fight on the side of the Taliban. This "forced" recruitment, the schools often being closed for the periods of the summer offensives in Afghanistan, is performed quite openly. Some Pakistani government officials have admitted knowledge of the paramilitary activities of these religious schools. Despite official expressions of disquiet with these activities, and a once failed attempt to standardize the curricula, they are apparently allowed to continue unabated.

43. Pakistan must therefore be encouraged to regulate the curricula at the *madrassas*, particularly those situated near the border with Afghanistan, and to actively control the movement into and out of Afghanistan of their own nationals and those of other countries.

44. As to the actual training camps, many of these are simple, rudimentary affairs that can easily be struck and the occupants rapidly dispersed to other locations. In other cases it appears that the terrorists receive some or part of their training in "regular" Taliban military facilities, compounding the overall situation and thus making solutions to the problem difficult to achieve.

45. In resolution 1333 (2000), paragraph 15 (a), the Security Council called for the inclusion in the recommendations of the Committee of recommendations on the use of information obtained by Member States through their national means. It is well known that very detailed information exists that could be made available, particularly concerning terrorist training camps, which will be a crucial ingredient in an effective monitoring mechanism. This information, together with that from all the other countries involved, should be submitted to a central point where it can be collated, cross-referenced and analysed. Such an operation will require a customized database and have to be managed by a staff of professionals, with expertise in the appropriate disciplines.

46. Any move on the part of the Taliban "authorities" towards the closure of terrorist training camps in Afghanistan would have to be accompanied by an on-site verification process and supported by imaging data supplied by Member States.

47. However, the view of the Committee is that closure of the camps is not sufficient if the aim is to stop the Taliban from providing sanctuary for international terrorists and a base from which they can operate with impunity. Although the Council in paragraph 3 of resolution 1333 (2000) demanded that the Taliban close all camps where terrorists are trained within the territory under its control, this demand is only a reiteration of the insistence contained in paragraph 1 of resolution 1267 (1999), which goes into greater detail concerning the cessation of sanctuary, training and support for terrorist activities.

48. If the demands of the international community are to be met by the Taliban, then it will be necessary for the Taliban to expel or repatriate the "foreign" terrorists; itself a problem as many of those concerned would be subject to prosecution in their countries of origin. However, those foreign recruits or mercenaries who have fought with the Taliban only inside Afghanistan, particularly the "summer offensive reinforcements" who are trawled from the *madrassas* in Pakistan (see para. 42 above) could perhaps be repatriated, preferably under international supervision (by the International Committee of the Red Cross, for example).

49. The Committee therefore concluded that, on the assumption that the Taliban agrees to any such process of closures and "repatriations", these requirements of the international community must be an integral part of any negotiations leading to a comprehensive peace plan for Afghanistan.

50. During its visits the Committee was unable to ascertain any specific patterns of movement or particular routes taken by the terrorists when departing for operations outside Afghanistan. If anything, the Committee received quite contradictory reports about which countries' borders the terrorists crossed. Some countries made strong allegations that members of the Islamic Movement of Uzbekistan (IMU) cross through Turkmenistan when heading for Uzbekistan, while others alleged that IMU crossed through Tajikistan unhindered, en route to Uzbekistan. Officials in Pakistan made it clear that, for a host of reasons, it was

virtually impossible to control movement across their border with Afghanistan.

51. Another area of concern is how the "terrorists" can be identified. The Committee was told that many of them operate under aliases. Besides the multiplicity of origins of the foreign terrorists, officials in Pakistan stated that it is almost impossible to tell the difference between a Pashtun from eastern Afghanistan and a Pashtun from Pakistan's North West Frontier Province who might cross to Afghanistan. It is the same with the other ethnic groups which straddle the border between Afghanistan and Pakistan.

52. Thus the Committee came to an understanding that a two-pronged approach was necessary. With regard to the closure of the camps, initially a monitoring organization would have to concentrate on building up a very comprehensive picture, using information supplied to the Secretary-General by Member States, with which to publicize extensively and regularly the whereabouts and use of terrorist training facilities inside Taliban-controlled Afghanistan. Meanwhile the Pakistan authorities should be urged to exercise greater control over the *madrassas* on their territory and the movement of people across their common border with Afghanistan.

53. The Committee fully appreciates all aspects of the situation along this long stretch of the border, including the background to the Durand Line, the problems of inaccessibility to the "Tribal Areas", the porosity of the borders, the difficult terrain and other ethnic rivalries. However, the Committee firmly believes that there are a number of measures and techniques that Pakistan could employ, with the full support of the international community, which would enhance the efforts of the Government of Pakistan in the difficult and challenging task of controlling movements across their border.

54. The Committee also considers that an overall improvement in controls, particularly on the border between Afghanistan and Pakistan, will also assist in combating the movement of arms and ammunition, in either direction, and curb the flow of narcotics.

D. Drug trafficking

55. While its mandate is limited to making recommendations on how the arms embargo and the closure of terrorist training camps can be monitored, the Committee nonetheless considered it essential also to look into the illicit drugs trade by the Taliban. Funds raised from the production and trading of opium and heroin are used by the Taliban to buy arms and other war materiel, and to finance the training of terrorists and support the operations of extremists in neighbouring countries and beyond.

56. Afghanistan became the largest producer of illicit opium in the 1990s, supplying as much as 79 per cent of world demand in 1999. Officials of the countries bordering Afghanistan that the Committee visited confirm that Afghan opiates are smuggled across the country's borders in all directions, that is, through Tajikistan, Turkmenistan, Uzbekistan, the Islamic Republic of Iran and Pakistan, to destinations in Western Europe, the Russian Federation and even North America. Officials of the countries also confirmed that drug abuse is on the increase in their own countries. Only 10 to 20 per cent of these drugs are interdicted.

57. On 27 July 2000, Mullah Muhammad Omar, the Taliban supreme leader, issued an edict totally banning opium poppy cultivation.[2] This move was received with scepticism in numerous circles, however. It was branded as a ploy to portray the Taliban as conforming with the universal drive to reduce, if not eradicate, the production of illicit drugs. That the ban coincided with the worst drought in Afghanistan in 30 years and that 2001 the price of opium and heroin has increased tenfold has only added to such cynical impressions.

58. The Office for Drug Control and Crime Prevention has reported that in 1998 total opium production in Afghanistan was about 2,500 tons. This nearly doubled, to 4,600 tons, in 1999. These figures, plus the 3,100 tons produced in 2000, appear to confirm the view that the Taliban has accumulated a sizeable stock of opium and heroin and wanted to stop production to prevent prices from further spiralling downward. This situation also puts into question the sincerity of Mullah Omar's *fatwah*. If Taliban officials were sincere in stopping the production of opium and heroin, then one would expect them to order the

[2] An assessment by the Office for Drug Control and Crime Prevention revealed that, since the edict was issued, the total number of hectares under poppy cultivation has been dramatically reduced from a high of 91,000 hectares in 1999 to some 12,000 hectares in 2001.

destruction of all stocks existing in areas under their control.

59. Heroin seizures in Europe during the fourth quarter of 2000 amounted to about 3,900 kilograms; during the first quarter of 2001, to 2,000 kilograms. The majority of these "shipments" originated in Afghanistan, indicating that the Taliban still has large quantities of the drugs in stock.

60. Preliminary findings of the Office for Drug Control and Crime Prevention reveal that opium prices in Afghanistan increased more than tenfold in the first quarter of 2001 compared with those of the previous year. On average, prices rose from $28 per kilogram in 2000 to $280 per kilogram in February 2001. In the Islamic Republic of Iran, opium prices went up from $400 in 2000 to $1,300 in February 2001 and $2,750 in March of 2001. Estimates of the income derived by the Taliban from taxes levied on opium production range from $15 to $27 million per annum. These estimates are based on the assumption that the Taliban leadership are not themselves involved in the production and trading of drugs. Some reports, however, say that Taliban officials actually control some 35 narcotics groups in the country. If this is correct, the income of the Taliban from the illicit drugs trade must be much greater.

61. In the light of the foregoing, the Committee deems it prudent on the part of the international community to redouble its efforts to interdict smuggled drugs from Afghanistan. For this purpose, the Committee feels that the flow of drugs from Afghanistan should be monitored as an integral component of the arms embargo.

62. In the past, the production of heroin and morphine has been done mostly outside Afghanistan, notably in Pakistan and Turkey. In recent years, however, it has been noted from seizure statistics that actual manufacture of heroin is now being done in Afghanistan itself. This means that acetic anhydride, a controlled substance under the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, has been finding its way illegally into Afghanistan.

63. According to the International Narcotics Control Board, it takes between one and four litres of acetic anhydride to produce one kilogram of heroin. No substitute has as yet been identified to replace it in the chemical process. Given that Afghanistan has no other industry to speak of where acetic anhydride may be used, it may safely be assumed that the substance is brought into the country for the sole purpose of manufacturing heroin.

64. Therefore, the Committee is of the opinion that the movement of acetic anhydride should also be monitored along with the inflow of arms and war materiel and the production and outflow of illegal drugs from Afghanistan.

65. The Committee further believes that the system of licensing exports of acetic anhydride should be subject to stricter control and scrutiny.

E. Financing the Taliban

66. It is reported that, in addition to the funds realized from opiates, considerable financial support has been provided to the Taliban by individuals, private and semi-private agencies in Pakistan, including political parties, religious institutions and business cartels, much of it with the full knowledge of government officials.

67. Pakistani officials stated that, despite increased customs controls, their country was still suffering formidable losses of revenue because of the abuse of the Afghan Transit Trade Agreement. This agreement allows containers to be brought into the port of Karachi and then moved by truck through Pakistan to Afghanistan without payment of customs duty and, it has been suggested, with very cursory inspections. Consequently the Committee considers that this agreement also provides opportunities for the arms embargo to be circumvented.

68. Over the years, this transit trade has created an expanding "black" economy in Afghanistan of immense proportions, involving well-established criminal gangs. A recent World Bank study valued the illegal border trade between Afghanistan and Pakistan at US$ 2.5 billion annually. To a lesser degree, this type of cross-border smuggling also exists between Afghanistan and its other neighbours. The total value of this criminal trade through Afghanistan has been estimated at between $3 billion and $4 billion per year (Office for Drug Control and Crime Prevention, February 2001), which, if correct, would indicate that the Taliban receive more funding from this source than from drugs.

69. In view of the sanctions imposed against the Taliban the Committee considers that Pakistan has every right to inspect thoroughly, before sealing, every shipment of goods destined for Afghanistan that enters and transits Pakistan territory. The Committee also considers that all shipments, under the Afghan Transit Trade Agreement, should be subject to control and inspection on entry into, and exit from, Pakistani territory. The magnitude of this "duty-free trade" is such that Pakistan could benefit from specialist technical assistance from the international community.

70. In addition, Pakistan should formulate a list of high value goods that are banned by the Taliban, such as televisions and video cassette recorders, and those for which there is virtually no private use, such as air conditioners and refrigerators, because of the lack of electricity. These items should not be permitted under the terms of the Afghan Transit Trade Agreement. Such controls should be implemented firmly and diligently and the ensuing checks would also enhance Pakistan's commitment towards an effective arms embargo, as well as reducing losses of revenue.

71. There are allegations that Saudi Arabia and the United Arab Emirates have provided financial support to the Taliban. At least until 1998, Saudi Arabia is alleged to have provided funds and heavily subsidized fuel to the Taliban through Pakistan. Through their relationship with traders in the United Arab Emirates and in the Pakistani Province of Baluchistan and the North West Frontier Province, the Taliban are alleged to be linked with local and provincial administrators and with officials in the United Arab Emirates who benefit from the vast smuggling networks that link the three countries.

72. The Committee considers that all those countries that are not parties to the International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly in its resolution 54/109, should be urged to sign, ratify and fully comply with the Convention.

73. Further funds for financing the military capability of the Taliban are believed to come from other countries, and from contributions of individuals, religious groups and organizations sympathizing with the objectives of the Taliban that are based in the Gulf States and beyond. The method of sending funds to the Taliban is not through normal banking operations but through direct deliveries of cash and an informal money exchange system, neither of which is currently susceptible to control or monitoring.

F. Monitoring mechanisms

74. As a result of its findings, the Committee looked at how best to monitor the arms embargo and the closure of the terrorist training camps. Ideas suggested ranged from a large physical presence, under United Nations auspices, which would complement and augment the present border control forces of Afghanistan's neighbours, to the latter's forces being left to enforce the embargoes to the best of their abilities.

75. A large physical presence operating on the borders between the Six and Afghanistan would be very expensive and, even if sufficient police and/or troops could be found from contributing countries, difficult to sustain for what could be a considerable period. The effectiveness of such a force is, in itself, questionable, bearing in mind the number of border control personnel already deployed by the Six. Finally, it is unlikely that any of the Six would countenance the presence of an external force to control their borders; border control is after all a key facet of national sovereignty. Even if one of the Six were to agree, it could prove to be a two-edged sword, enabling the "host" to wash its hands of any responsibility, the blame falling squarely on the shoulders of the United Nations. This idea was thus deemed financially prohibitive and neither realistic nor effective.

76. At the other end of the spectrum, the Committee looked at relying solely on the national border services, as currently deployed, reporting through their Governments to a small coordinating body, which in turn would report to the sanctions Committee.

77. The Committee came to the conclusion that the demands of the Security Council could best be served, from the aspects of speedy implementation, affordability and effectiveness, if the monitoring mechanisms which the Six currently have in place could be strengthened and supported. In order to best achieve this approach, an Office for Sanctions Monitoring and Coordination — Afghanistan requires to be established.

78. The proposed office, which would be headed by a Director, should consist of two parts. The first of these is made up of small teams of experts, working closely

alongside the various border control and counter-terrorist services in each of the countries bordering Afghanistan. These Sanctions Enforcement Support Teams will initially assess capability gaps and then assist with the modernization of all aspects of border legislation, customs procedures and border control techniques, as well as making recommendations for improvements in equipment and arrange for the various types of training which the countries visited have indicated to the Committee they would like to receive to better enforce the sanction.

79. At its headquarters, the Office for Sanctions Monitoring and Coordination shall have, besides the Director, a chief of operations and specialist officers, preferably seconded by contributing States, in the fields of:

- Illegal arms trafficking;
- Drugs, financing and money-laundering;
- Legislation and legal support;
- Counter-terrorism.

80. The Committee considers that this is likely to be an evolutionary process. Once the Office for Sanctions Monitoring and Coordination settles into a productive rhythm it may be necessary to increase or decrease the representation in each discipline, as circumstances demand.

81. An outline organization is given in annex II. The Office headquarters and the Sanctions Enforcement Support Teams will require support staff, information technology equipment and, in the case of the support teams, also language assistants, vehicles and radio equipment. In the interest of safety and security of personnel and speed of implementation of the proposed mechanism, the support teams should be based with the existing UNDP offices in the countries neighbouring Afghanistan.

82. It will be the function of the counter-terrorism component in the Office for Sanctions Monitoring and Coordination to manage the monitoring of the terrorist training camps, by collating and analysing all the information made available to the Secretary-General and then regularly publishing on a wide distribution details about the camps. In this way the international community will be kept apprised of this threat to peace and security, at least until such time as realistic and productive negotiations are held, leading to a lasting political settlement within which must be incorporated a verifiable mechanism for the closure of all terrorist training facilities and a plan to repatriate non-Afghan terrorists.

83. In addition to specific reports to the sanctions Committee concerning the verification of sanctions-busting, leading, where appropriate, to those concerned being "named and shamed", the Office for Sanctions Monitoring and Coordination will also submit, on a regular basis, reports on the progress being achieved by the border service units in each country as a result of the support they are receiving through the support teams. Every country bordering Afghanistan should also be requested to periodically submit a report concerning its enforcement of sanctions.

84. The Sanctions Enforcement Support Teams will be responsible, in conjunction with their hosts, for verifying any allegations of sanctions-busting brought to their attention in the country where they are operating or as a result of a mandate from the headquarters of the Office for Sanctions Monitoring and Coordination. The Office will be responsible for advising and briefing the sanctions Committee, through the Director, on breaches of the arms embargo and other related matters, concerning drug trafficking and finances to the Taliban.

85. The Office for Sanctions Monitoring and Coordination will need to coordinate closely with the Office for Drug Control and Crime Prevention, at both headquarters and field levels, and with other organizations engaged in activities relevant to its work. This approach is intended to avoid duplication and to ensure that the Office can draw on the strengths of those organizations and maximize their joint efforts.

86. It will also be useful for the Office for Sanctions Monitoring and Coordination to ensure that it is kept informed of the progress being made under the auspices of the Wassenaar Arrangement in the field of arms control. The Committee considers that with this approach — providing support for the border control services of the countries neighbouring Afghanistan and encouraging the development of those law enforcement agencies — the Office could provide a vehicle for greater coordination of the collective efforts of these countries at the technical level in the fields under discussion.

87. One of the first tasks that will have to be undertaken when the Office for Sanctions Monitoring

and Coordination is established is a detailed assessment of the requirements for each individual country, including a survey of each country's border with Afghanistan.

G. Location for the proposed monitoring support organization

88. The Security Council and the Secretary-General, based as they are in New York, may consider that the Office for Sanctions Monitoring and Coordination-Afghanistan ought to be located at United Nations Headquarters for certain perceived advantages which the Committee appreciates. However, after careful review of all the advantages and disadvantages, the Committee is of the view that careful consideration should be given to locating the Office for Sanctions Monitoring and Coordination-Afghanistan in Europe, for the following reasons:

- Europe is much closer to the time zones of the regional capitals in the area of operational responsibility, simplifying daily telephone contact between the headquarters of the Office for Sanctions Monitoring and Coordination headquarters and the Sanctions Enforcement Support Teams. For the headquarters staff to be able to speak by telephone with the support team during normal working hours will be crucial to the success of this very small organization, particularly during the first few months of operation while the Office becomes established.
- Working space at the United Nations in New York is now clearly at a premium and finding suitable accommodation for the headquarters of the Office for Sanctions Monitoring and Coordination and the proposed staff is likely to be a major problem, especially if it is to be launched quickly.
- The United Nations Office at Vienna could be considered as a suitable site because it is well established with all the necessary administrative and logistic support systems in place.
- The site provides immediate access to the United Nations global communication system.
- Vienna airport provides quick and easy connections to the regional capitals in the area of operational responsibility.
- Vienna is already home to the Office for Drug Control and Crime Prevention, the Organization for Security and Cooperation in Europe and the Wassenaar Arrangement secretariat, with which the Office for Sanctions Monitoring and Coordination will need to liaise and cooperate.
- The overheads, particularly for personnel costs, are likely to be less in a European city, even Vienna, than in New York.

IV. Conclusions

89. The sanctions imposed on the Taliban must be seen and implemented as part of an overall package pursued by the United Nations to ensure peace and stability in Afghanistan. Thus, the sanctions, the search for a political solution, and the humanitarian and economic efforts all need to be taken as a whole and pursued as parts of an integrated strategy leading to a broad based and responsible government in Afghanistan.

90. No sanctions monitoring will be effective unless there is total commitment of the Member States involved with its implementation. This statement refers particularly to the six countries that border Afghanistan, namely, China, the Islamic Republic of Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan. Indeed enforcing sanctions must rely on the will and initiative, primarily, of the countries bordering Afghanistan. However, the capacities of most of these countries are inadequate and a hands-on engagement with them is absolutely essential to strengthen and develop their monitoring mechanisms, at the same time permitting continuous assessment of capacity and follow-up of sanctions enforcement.

91. The Six have all stated to the Committee that they will abide by resolutions 1267 (1999) and 1333 (2000) and that they are implementing the requirements of the resolutions with their border control services. The composition of these services varies from country to country, but in the main they are made up of customs, border guards or police and security service personnel.

92. The effectiveness of the border services varies, depending on their training, the equipment they possess and other local parameters, for example, supporting legislation. All have stated that they would welcome the assistance of the international community in improving the capability of their services in the fight

against organized crime, drugs and arms smuggling and illegal immigration.

93. In view of the sanctions imposed against the Taliban, the Committee considers that Pakistan has every right to inspect thoroughly, before sealing, every shipment of goods destined for Afghanistan that enters and transits through Pakistan territory. The Committee also considers that all shipments, under the Afghan Transit Trade Agreement, should be subject to control and inspection on entry into, and exit from, Pakistani territory. The magnitude of this "duty-free trade" is such that Pakistan could benefit from specialist technical assistance from the international community.

94. The Committee has concluded that the arms embargo and the closure of terrorist training camps can best be monitored by making use of the existing mechanisms which are in place in each of Afghanistan's neighbours, enhancing these mechanisms with a Sanctions Enforcement Support Team in each country. These teams, made up of customs, border security and counter terrorism experts, should form the field arm of the Office for Sanctions Monitoring and Coordination.

95. The work of the teams will be coordinated by a headquarters of the Office for Sanctions Monitoring and Coordination staffed with specialist officers who can support the work of the teams in the field and task the teams to verify and report on allegations of sanctions-busting. The proposed organization could serve as the nucleus for future sanctions monitoring requirements.

V. Recommendations

96. The Committee recommends the establishment of a United Nations Office for Sanctions Monitoring and Coordination-Afghanistan as detailed above, consisting of a Headquarters and Sanctions Enforcement Support Teams working alongside the border control services in the countries neighbouring Afghanistan.

97. Consideration should be given, for sound operational reasons, to the Office for Sanctions Monitoring and Coordination-Afghanistan being located in Europe, possibly at the United Nations Office at Vienna.

98. In the interest of safety and security and speed of implementation the Committee recommends that the proposed Sanctions Enforcement Support Teams be based with the existing United Nations offices in the countries neighbouring Afghanistan.

99. The Committee recommends that urgent consideration should be given to aircraft turbine fuel, and special fluids and lubricants needed for use in armoured vehicles, being specified in the embargo.

100. The Committee recommends that the movement of acetic anhydride should be monitored along with the inflow of arms and war materiel and the outflow of illegal drugs from Afghanistan.

101. The Committee recommends that due consideration be given to the proposed Office for Sanctions Monitoring and Coordination serving as the nucleus for future sanctions monitoring requirements.

102. The Committee recommends that all those countries that are not parties to the International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly in its resolution 54/109, should be urged to sign, ratify and fully comply with the Convention.

Annex I

Arms control measures to be considered by the Office for Sanctions Monitoring and Coordination in the overall context of international arms controls

Priority 1

1. Measures to control arms brokers and shipping agents.
2. Measures to register air cargo companies and certify their shipments.
3. Submission of flight plans of arms transport firms.
4. Legislation against the use of false end-user certificates, shipping documents, cargo manifests and flight plans as a crime under national law.
5. Early warning system and satellite surveillance.

Priority 2

6. Publishing information on violations of end-user certificate provisions, including names of companies, countries and individuals involved in unauthorized transfers of weapons to third parties.
7. Monitoring the implementation of an arms embargo by assessing the status of its regime periodically in order to sound an early warning. Hence, dispatch of teams of experts to investigate violations of specific cases and analysis of their findings.

Priority 3

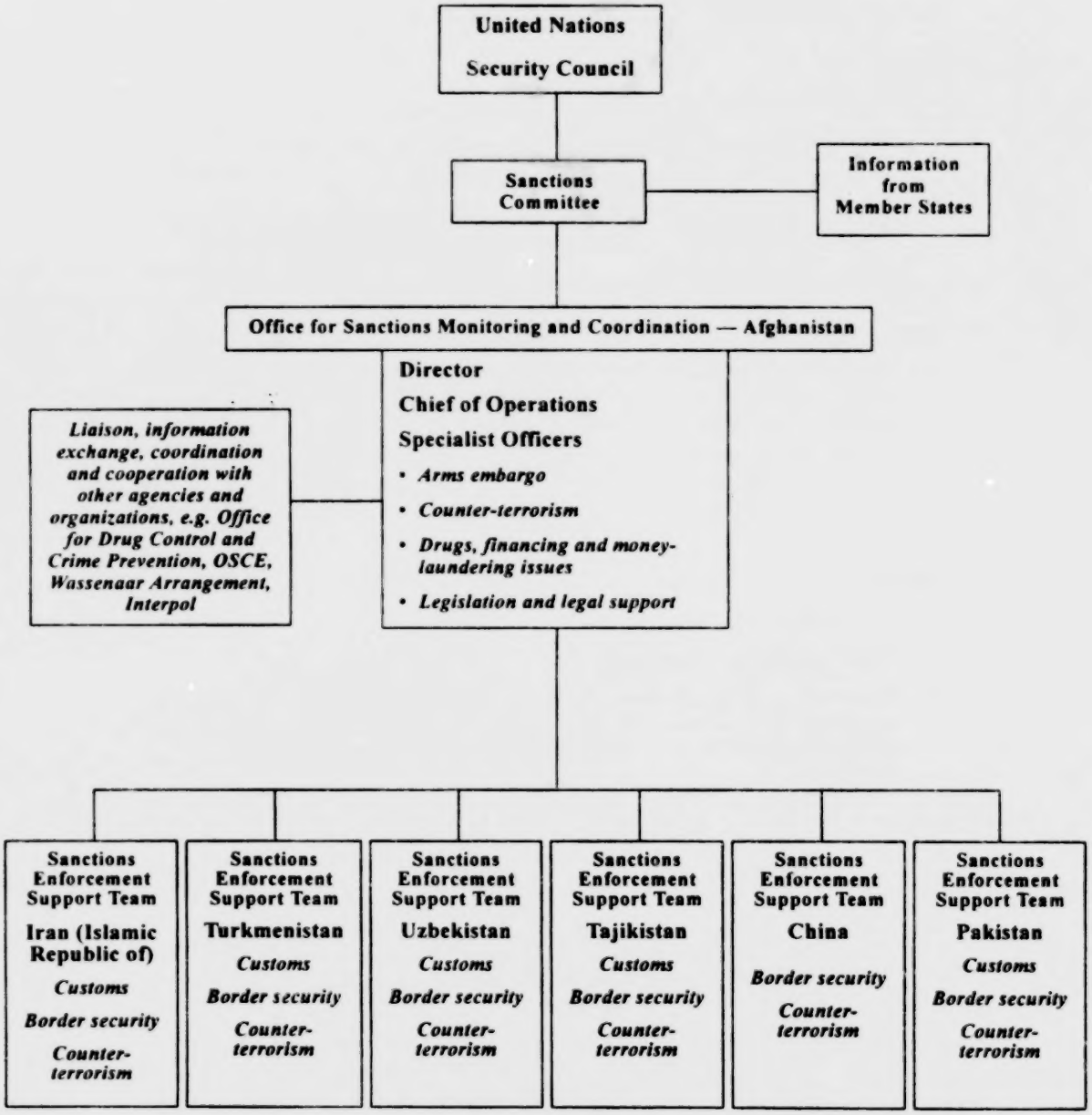
8. Marking newly produced weapons.
9. Weapons purchase security deposits.
10. Establishing an international centre to collect and share information on arms transfers. The creation of an international mechanism of some kind is of great importance whereby there would be a regular reporting of sales, purchases and production.

Priority 4

11. A more serious approach to the United Nations Register of Conventional Arms.
12. Negotiating an internationally binding agreement regulating the activities of arms brokers. (Brokers are individuals and companies engaged in the buying, selling, negotiating, advertising, marketing and transport of all military and para-military services and equipment.)
13. Arms embargo unit. This unit should be staffed with experts on the weapons trade, financial flows, customs controls and dual-use technologies, as well as with legal advisers. This could be the repository of a databank on violations and violators.
14. Measures against mercenaries/private security companies.

Annex II

Outline organization for a sanctions monitoring mechanism for Afghanistan



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Agenda items 20 (a) and 86

Security Council
Fifty-sixth year

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: Strengthening of the coordination of emergency humanitarian assistance of the United Nations

Comprehensive review of the whole question of peacekeeping operations in all their aspects

Letter dated 21 May 2001 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the Chairman's Summary of the international seminar entitled "Seminar on the Safety of United Nations Peacekeepers and Associated Personnel Working in Conflict Zones", which was held from 15 to 16 March 2001 in Tokyo (see annex).

I should be grateful if you would have the present letter and its annex distributed as a document of the fifty-fifth session of the General Assembly, under agenda items 20 (a) and 86, and of the Security Council.

(*Signed*) Yukio **Satoh**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan to the United Nations

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Annex to the letter dated 21 May 2001 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General

Seminar on the Safety of United Nations Peacekeepers and Associated Personnel Working in Conflict Zones, Tokyo, 15-16 March 2001

Chairman's Summary

The Seminar on Safety of United Nations Peacekeepers and Associated Personnel Working in Conflict Zones was held in Tokyo on 15 and 16 March 2001 with the participation of the United Nations and other international organizations, as well as representatives of Governments and institutions from 12 countries.

The Tokyo Seminar was the seventh in a series of international seminars under the topic "Challenges of Peacekeeping and Peace Support: Into the Twenty-first Century". The objective of the seminar was to discuss ways and means of enhancing the security of personnel working in the field.

Through the discussions at the seminar, the following were identified as the most important issues to consider.

Issues in the field

There is growing concern that greater importance was attached to political considerations than staff safety and security, and there was insufficient confidence among personnel in the system's ability to provide security. Problems cited were inadequate threat assessment and inadequate attention to preventing abductions and securing release of hostages; the fact that rules of engagement are not uniformly applied; and that communications equipment and logistical support were inadequate. Among the needs cited by participants were: a clear delineation of command and control to Force Commander; a minimization of the distinction between military peacekeepers and associated civilian personnel; trauma and stress counsellors for peacekeepers and associated personnel; and greater coordination with organizations and peacekeeping efforts outside the United Nations, and with personnel in the field from different organizations. It was suggested that each peacekeeping operation force headquarters should have a dedicated "force safety branch" under the control of the Chief of Staff; and that security plans should also cover non-military personnel. Consideration should also be given to the clarification and application of policies regarding dependants, local staff and NGOs.

Issues at United Nations Headquarters

Secretariat

The lack of a clear line of authority or accountability in the management of security within the United Nations system and the need for a coherent security management plan for the system as a whole were discussed. It was suggested that a full-time Security Coordinator should be appointed at the Assistant Secretary-General level with full and system-wide authority, and also that the staff working on mission security issues should be increased. Others suggested that a coordination

body within the Secretariat be established to handle information on the safety of personnel working in conflict zones, with a corresponding body in each field mission in which all components are represented, and that the Special Representative of the Secretary-General, Force Commander and civil, political and humanitarian representatives should formulate a joint strategy on security. The need for an intelligence cell in the Department of Peacekeeping Operations was also cited. In order to achieve closer interaction between the Secretariat and Member States, it was recommended that the Secretariat brief members of the Special Committee on Peacekeeping Operations.

It was noted that the United Nations Security Coordinator's Office was underfunded, and disappointment was expressed with positions taken by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and in the Fifth Committee with respect to financial support for safety and security measures. The suggestion was made that the Special Committee on Peacekeeping Operations approach ACABQ in this regard, and that core costs of security be covered from the regular United Nations budget. The call was made to resolve the stumbling block in the General Assembly on cost-sharing.

Security Council

There was a perception that peacekeeping operations mandates were not clearly thought out and often resulted in "mission creep", and that the Security Council took decisions that could expose troops to danger without consulting troop contributors. Mandates should be clear and practical, and supported by appropriate forces and equipment. It was suggested that security could be increased if mandates included arrangements for disarmament and demobilization.

Other related issues

Training

The opinion was expressed that there was a need for the United Nations to take training more seriously. Needs cited were: compulsory pre-mission and in-the-field training for all personnel, including civilians, and the development of "best practices"; training in urban warfare; training for all peacekeepers and associated personnel on their legal rights and obligations. It was also suggested that the United Nations should have a training organization with the capability to run its own large-scale courses.

Member States

Member States were called upon to extend appropriate cooperation, including during the planning phase, and were encouraged to ratify the 1994 Convention on the Safety of United Nations and Associated Personnel.

Public information

The need was cited for constructive management of media to create a more positive image among local populations, and it was suggested that the Trust Fund for Promotion of Public Relations Activities in Peacekeeping be more effectively utilized.

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Report of the Secretary-General on the issue of refugees and internally displaced persons pursuant to resolution 1346 (2001)

Introduction

1. In paragraph 9 of resolution 1346 (2001) of 30 March 2001, the Security Council requested me to present my views on how to take forward the issue of refugees and internally displaced persons in and around Sierra Leone, including their return. These views are reflected below.

2. In the process of preparing for this submission, I have closely consulted the United Nations High Commissioner for Refugees, Ruud Lubbers. I also asked the Deputy Emergency Relief Coordinator, Carolyn McAskie, to gather views and information relevant to the Security Council's request during her mission to Guinea, Liberia and Sierra Leone from 17 to 26 April 2001.

Context

3. The refugee and internally displaced person crisis in the subregion is one of the most serious humanitarian and political crises facing the international community today. In total, there are over 1 million refugees, internally displaced persons and other war-affected victims in Guinea, Liberia and Sierra Leone (see annex).

4. The present crisis has its roots in the civil wars fought in Liberia and Sierra Leone, the continuing control by the Revolutionary United Front (RUF) over large parts of Sierra Leone, and the continuing instability and violence on the borders between the countries of the Mano River Union. The movements and presence of large numbers of refugees and internally displaced persons in the West African subregion have serious humanitarian, political and security implications and present a serious challenge to the Governments and population of the subregion and to the international community. The response to this challenge should therefore take into account the linkages that exist between the countries in the subregion.

5. While many refugees were able to find hospitable communities in neighbouring countries with whom, in many cases, they shared cultural affinities and which were willing to absorb them, tens of thousands of others required assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme and other agencies. At the same time, the presence of refugees in such numbers created a high demand for scarce resources and basic services and also led to significant pressure on the environment in receiving countries. Moreover, as a result of increasing tension in the subregion, the presence of refugees became a contentious issue, especially in Guinea. The heavy burden on the host State, the worsening security situation on the border, and the suspicion that refugee communities might be harbouring rebels or infiltrators led to calls for their early repatriation. Consequently, UNHCR encountered serious difficulties in providing international protection to many refugees in Guinea. As the situation deteriorated, many of them began to express their willingness to return to Sierra Leone.

6. In recent weeks, large numbers of Liberians have crossed into Sierra Leone to flee the fighting in Liberia's northern counties. The Government of Sierra Leone is in the process of identifying a location where

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these refugees can be placed in a camp. A possible increase in this flow of refugees into Sierra Leone could place an additional burden on agencies and host communities that are struggling to meet the needs of Sierra Leonean returnees and internally displaced persons. I am also deeply concerned that the present fighting in Liberia will result in tens of thousands of refugees and internally displaced persons to whom aid agencies would have no access. I call upon the Governments in the subregion to provide asylum, protection and assistance to these uprooted populations.

7. I am equally concerned about the very high number of internally displaced persons in Guinea, which is already carrying the burden of providing asylum to a large refugee population. The country is facing a serious humanitarian crisis of its own and requires international assistance to help it deal with refugees and internally displaced persons on its territory, and with the impact of their presence on host communities and the environment.

Asylum in Guinea

8. A significant number of Sierra Leonean refugees are located in a stretch of Guinean territory that is known as the "Parrot's Beak" or "Languette". This area has been and is likely to remain the scene of military operations by various armed groups and the Guinean army.

9. UNHCR therefore has a three-pronged policy approach to providing protection and assistance to refugees in Guinea. First, to relocate refugees away from the border areas further inland within Guinea; secondly, to address the ongoing emergency in the border areas; and thirdly, to facilitate voluntary repatriation to Sierra Leone.

10. I am pleased to report that since the High Commissioner's visit to the region in February 2001, the security situation has improved and UNHCR and other aid agencies have been able to access camps in the Parrot's Beak to provide emergency relief and to commence the relocation of refugees to sites further inland. Since the relocation exercise started in February, UNHCR has relocated some 43,600 Sierra Leonean refugees from the Parrot's Beak in the south-east of Guinea to safer areas further north and away from the border in the Dabola and Albadaria prefectures. Some refugees in that area are from villages directly across the border with Sierra Leone and they would prefer to stay in that area with which they are familiar.

Repatriation and voluntary return

11. At the same time, UNHCR is facilitating the voluntary repatriation to Sierra Leone of those who wish to return. For the time being, the repatriation from Guinea to Sierra Leone is organized by boat from Conakry to Freetown, where reception facilities are available.

12. A large majority of refugees come from areas which remain under the control of RUF and which therefore cannot yet be deemed safe for the purpose of return. At the same time, all efforts are made to ensure the temporary settlement of returnees in areas under Government control and to integrate them into the programmes established by the Government for support to internally displaced persons. A phased approach to the return of refugees to Sierra Leone would therefore be preferable to ensure adequate and sustainable reintegration.

13. With the deterioration of the situation in Guinea and Liberia and the gradual improvement of the overall security situation in Sierra Leone, Sierra Leonean refugees have begun to make their way back to Sierra Leone spontaneously. Since September 2000, more than 55,000 Sierra Leoneans have returned from Guinea. About 35,000 of these have returned by boat from Conakry since December 2000, with the assistance of the International Organization for Migration. The remainder returned spontaneously on foot through Kambia, Kabala, Kono district, Kailahun, Daru and Kenema. A significant number are believed to have returned to places in the areas under RUF control. In addition, refugees from Liberia have returned to Sierra Leone at border crossings near Zimmi.

14. Reports on the treatment of returning refugees in RUF-controlled areas vary. As returnees crossed through RUF-controlled areas in Kailahun and Kono, they were, according to some reports, subjected to human rights violations, including detention, abduction, forced recruitment and labour (especially of young men), robbery and rape. In addition, there are reports that RUF has tried to prevent refugees from leaving its area of control in the hope that this would attract humanitarian assistance. There have also been

reports that the rebels allowed returnees to pass unhindered, or provided assistance. Harassment of refugees has reportedly also been carried out by civilians and members of the Guinean armed forces inside Guinea. In response to these and other reports, UNHCR is stepping up its information efforts to make refugees aware of the risks involved in a spontaneous return through RUF-controlled areas and to inform them of their other options.

Assistance to returnees and internally displaced persons in Sierra Leone

15. Most returnees tend to settle in large cities and remain there as long as their areas of origin are unsafe. Returnees also assume that Freetown, in particular, offers greater safety and economic opportunities. As a result, cities like Freetown and Kenema host large numbers of internally displaced persons, returnees and ex-combatants, adding to a population which is already struggling with high rates of unemployment and scarce resources, placing a heavy strain on basic services, in particular water and sanitation. The capacity of transit centres in the Freetown area has reached saturation point and many returnees are reluctant to move on, thereby obstructing the admission of new arrivals. To deal with this situation, UNHCR is organizing convoys from Freetown to the provinces and to temporary resettlement sites. Several of these sites are being expanded and others are in preparation. However, the use of camps for temporary resettlement could perpetuate the dependence of returnees and internally displaced persons on outside assistance. Humanitarian agencies are therefore working towards making available arable land, providing jobs and building ties with neighbouring communities.

16. Overall, there is a limited capacity in Sierra Leone to deal with the growing influx of returnees and internally displaced persons. It is feared that the local infrastructure and basic services would not be able to cope with a mass influx, brought about by an optimism that the situation could improve significantly in the near future. Although the rainy season is likely to slow movement, once the rains start to subside in September and as the situation continues to stabilize it is possible that the spontaneous movement of refugees and internally displaced persons will regain momentum. This will require careful and comprehensive planning on the part of the Government of Sierra Leone and the international community.

17. It is anticipated that the population who remained in RUF-controlled areas and those who recently returned there will require significant assistance, since humanitarian and development agencies have not had access to those areas for very long periods and vital infrastructure is likely to have degraded to critical levels.

18. Moreover, refugees and internally displaced persons often include government workers, teachers and others responsible for providing basic services. The return of refugees and internally displaced persons is likely therefore to have a positive effect in this regard, as it may contribute to the restoration of government authority in Sierra Leone.

19. To deal with these challenges, it is crucial that humanitarian organizations have unhindered and safe access and that civil authority be restored as soon as possible throughout the territory of Sierra Leone. This requires the continuing forward deployment of the United Nations Mission in Sierra Leone (UNAMSIL) to establish the necessary conditions of security. The Mission's present experience is that internally displaced persons and refugees tend to react fast to news of UNAMSIL patrols and deployment and many plan and commence their return to their homes as soon as UNAMSIL has deployed there.

Kambia

20. As part of the agreement reached between the Government and RUF during their meeting in Abuja on 2 May 2001, RUF agreed to withdraw from Kambia district, which borders Guinea, and enter the disarmament, demobilization, and reintegration programme. Their withdrawal would be followed by the deployment there of the Sierra Leone Army and frequent patrols by UNAMSIL. The Sierra Leone Army would therefore be able to ensure the security of the border, which could result in the establishment of conditions conducive to a return of refugees to that district but, more importantly, would also enable some 30,000 Sierra Leonean internally displaced persons now at Lungi to go to their homes in Kambia. In principle, this would also enable other refugees in Guinea to return to Sierra Leone by road through the Kambia district.

Observations

21. The enduring conflicts affecting the countries of the Mano River Union have caused tremendous human suffering and large flows of refugees and internally displaced persons. These flows are, of course, the symptoms of a serious political crisis which needs to be addressed in all its aspects. Therefore, the best way to take forward the issue of refugees and internally displaced persons is to improve the political and security situation in the subregion and, in particular, to promote confidence-building and political dialogue between the Governments of Guinea, Liberia and Sierra Leone. I call on the leaders of these countries to meet as soon as possible and commence work towards these important goals. I also fully support the efforts by the Economic Community of West African States (ECOWAS), which has called on the Mano River Union countries to take individual and collective measures to curb the activities of armed rebel groups operating on their territories.

22. While refugees and internally displaced persons are primarily the victims of continuing hostilities in the region, at the same time their presence and movements place a heavy burden on host States, receiving communities and the environment and may complicate an already fragile situation. It is therefore important that the needs of refugees, internally displaced persons and the host States and host communities be addressed adequately. In this regard, I welcome the commitments of Governments in the subregion to honour the principle of asylum and protection of refugees, internally displaced persons and returnees. I also call on the international community to provide all necessary assistance to the Mano River Union countries, in particular Guinea, which has provided hospitality to refugees for a long time and shared precious and often scant resources with them. In this regard, I intend to study ways and means of improving the United Nations capacity for the coordination and delivery of humanitarian assistance to those in need in the subregion.

23. For the time being, I believe that the conditions for the immediate return of all refugees to Sierra Leone do not exist. A large part of Sierra Leone remains under the control of RUF and largely beyond the reach of humanitarian assistance and government services. The Governments in the region, UNHCR and other United Nations agencies must therefore continue their efforts to ensure the protection, safety and well-being of refugees and internally displaced persons on their territory.

24. While recent developments in Sierra Leone may give rise to cautious optimism, the fighting in northern Liberia is intensifying and could lead to a serious political and humanitarian crisis which has already led to new and increased flows of refugees and internally displaced persons.

25. At the same time, the overriding objective of the international community remains to facilitate the return of the refugees and internally displaced persons to their homes as soon as possible in conditions of safety and to assist them in rebuilding their lives. In the case of Sierra Leone, this implies an approach that aims, first of all, at establishing security throughout the entire country through the gradual deployment of UNAMSIL and the extension of government authority. Secondly, the Government of Sierra Leone and the international community should work closely together to maximize the capacity to absorb and assist returnees and internally displaced persons. Thirdly, it is vital that refugees in surrounding countries have access to the best possible information on the situation in their home country and places of origin, so that they can make a well-informed decision on the timing and route of their return. In this regard, the UNAMSIL public information unit and UNHCR offices in the region are in the process of improving their mutual exchanges of information and production of information materials and programmes, including radio programming.

26. I am encouraged by the results of the meeting of ECOWAS, the United Nations, the Government of Sierra Leone, and RUF, held in Abuja on 2 May 2001. The planned withdrawal of RUF from Kambia, and the subsequent deployment of the Sierra Leone Army and UNAMSIL in that area, has the potential of creating confidence, not only between the parties, but also for the return of refugees over land from Guinea and of internally displaced persons back into Kambia district. In this regard, I call on RUF and the Government of Sierra Leone to fully implement their undertakings made at Abuja on 2 May 2001.

27. I also call on the international community to make the necessary resources available to support the efforts of UNHCR, other United Nations agencies and programmes and non-governmental organizations to assist in the protection, relocation and return of refugees and internally displaced persons. However,

this effort cannot succeed if equal attention is not paid to the needs of those who stayed behind, to receiving communities, and the larger reconstruction and development needs of the West African subregion. In this context, it should be noted that the contributions received for the United Nations consolidated appeal for West Africa amount to only 8 per cent. Similarly, only 25 per cent of the funds required under the consolidated appeal for Sierra Leone have been forthcoming. I call upon donor States to make generous contributions in response to these appeals in order to alleviate the suffering of the population of the subregion and address the vital needs for reconstruction and human development.

28. In conclusion, I should like to pay tribute to the courage and devotion of humanitarian personnel in the West African region and elsewhere who work so hard to assist war-affected populations under difficult and often dangerous circumstances.

Annex

Refugees and internally displaced persons (as at 11 May 2001)

Côte d'Ivoire	Liberian refugees	120,000
	Sierra Leonean refugees	2,000
Guinea	Liberian refugees	81,500
	Sierra Leonean refugees	111,200
	Internally displaced persons	2,300,000
Liberia	Liberian returnees	377,500
	Internally displaced persons	60,000
Sierra Leone	Sierra Leonean returnees	71,200
	Liberian refugees	6,000
	Internally displaced persons	400,000

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Fifty-fifth session
Agenda item 40
The situation in the Middle East

Security Council
Fifty-sixth year

Letter dated 23 May 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Qatar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement dated 23 May 2001, issued by the Cabinet Ministers of the State of Qatar at their regular session, regarding the situation in the occupied Palestinian territories (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 40, and of the Security Council.

(*Signed*) Adel Ali **Al-Khal**
Chargé d'affaires a.i.

01-38303 (E) 240501 240501

Annex to the letter dated 23 May 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Qatar to the United Nations addressed to the Secretary-General

[Original: Arabic]

Statement dated 23 May 2001 issued by the Council of Ministers at its regular meeting held this morning at its headquarters in the Amir's Diwan

The Council of Ministers expressed the hope that the emergency meeting of Ministers for Foreign Affairs of the Organization of the Islamic Conference, scheduled to be held in Doha on Saturday, 26 May 2001, would arrive at decisions and recommendations rendering all forms of support to the Palestinian people and enabling them to remain steadfast in the face of the constant and barbarous Israeli acts of aggression.

The Council welcomed the positive results and the recommendations of the emergency meeting of the Follow-up and Action Committee held recently in Cairo, especially those relating to the severance of all Arab political contacts with the Israeli Government until such time as it ceases its aggression and its blockade of the Palestinian people and their National Authority, as well as those relating to political and material backing for the Palestinian stand against the Israeli occupation, to support for the *intifada* of the Palestinian people and their legitimate right to resist the occupation, and to the position vis-à-vis the settlement process and the building of settlements in the occupied Palestinian and Arab territories.

The Council reiterated the support of the State of Qatar for the Palestinian people and its stand by their side in their just struggle to attain their legitimate rights and their national independence, as well as its complete solidarity with Syria and Lebanon in the face of Israel's continual threats and acts of aggression against them.

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Note by the Secretary-General

The Secretary-General has the honour to transmit to the Security Council the fifth quarterly report of the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), which is submitted in accordance with paragraph 12 of Security Council resolution 1284 (1999) of 17 December 1999 (see annex).

01-38429 (E) 290501

Annex

Fifth quarterly report of the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission under paragraph 12 of Security Council resolution 1284 (1999)

Introduction

1. The present report, which is the fifth[a] submitted in accordance with paragraph 12 of Security Council resolution 1284 (1999), covers the activities of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) during the period from 1 March to 31 May 2001. As will be seen from this report, UNMOVIC has continued during this period to prepare itself for work in Iraq, in particular by training staff, by seeking to identify issues that will need special attention through monitoring and inspection, and by consolidating the archives inherited from the Special Commission.

Briefings and consultations by the Executive Chairman

2. In the period under review, the Executive Chairman has continued his practice of providing monthly briefings to the respective Presidents of the Security Council. He has also kept the Secretary-General informed of the preparatory activities of UNMOVIC. In addition, he has visited several capitals, including Oslo, Ottawa, Paris, Stockholm and Washington, D.C., for consultations with senior government officers. He has also held talks with members of the Political and Security Committee of the European Union and representatives of relevant European Union institutions and officials of the International Atomic Energy Agency (IAEA) in Brussels and Vienna, respectively.

Recruitment

3. The Commission's core staff has, by and large, been recruited. It will have to be much expanded when activities in Iraq are to begin. The current staff complement, in the professional grades, is 45 persons of 22 nationalities. To strengthen the Commission's analytical capabilities in specialized areas, it has also engaged the short-term services of a few experts. The input of additional outside experts will help increase the Commission's understanding of Iraq's proscribed weapons programmes. UNMOVIC has also engaged specialized outside experts as chief instructors for its training.

Training

4. As forecast in the Commission's last report (S/2001/177), the third month-long UNMOVIC training course ended in Vienna on 23 March. A total of 52 persons took part.

5. The fourth basic UNMOVIC training course commenced in Ottawa on 28 May and will end on 29 June 2001. There are 61 participants, encompassing some 26 nationalities. As with previous courses, the current training course covers general lectures on the mandate of UNMOVIC, its rights and obligations, the proscribed weapons programmes of Iraq and discipline-specific training. In addition, in conformity with paragraph 6 of resolution 1284 (1999), participants in the course were provided with training regarding the history, religion and culture of Iraq. With the completion of the fourth training course, UNMOVIC will have a roster of nearly 180 persons trained for work in Iraq. The experts on the roster are kept up to date with developments in respect of UNMOVIC through a newsletter and through material on the UNMOVIC web site.

6. UNMOVIC has also embarked on a series of more specialized training courses. On the basis of UNMOVIC guidelines, both existing staff and a number of persons from the roster of trained experts (30 in total), were selected to undertake detailed practical exercises in sample-taking in all three weapons disciplines (biological, chemical and missile) that could be used during inspections in Iraq, and were given briefings in sample preparation for transport and analysis. The second specialized training undertaken by UNMOVIC is an advanced missile training course. The 23 participants in the course received training in the preparation and conduct of missile monitoring inspections, including practical exercises. The participants in this week-long training course were

selected from within the existing UNMOVIC staff and the roster of experts who have undergone basic UNMOVIC training. More such specialized training is envisaged.

7. The Commission wishes to place on record its appreciation for the support provided to its training by the Governments concerned.

Other activities

8. The principal focus of work of the Commission's current staff has remained the identification of "unresolved disarmament issues". This concept was recognized in paragraph 2 of resolution 1284 (1999). The methodology and approach taken in this work was discussed with the College of Commissioners at its fourth session in February. The work aims at enabling the Commission to be as far advanced as possible in identifying the issues to be addressed in Iraq through the reinforced system of ongoing monitoring and verification called for by the Council. The work will also form a substantial part of the basis for the identification of the "key remaining disarmament tasks" which UNMOVIC must present to the Security Council for approval as part of the work programme to be carried out in Iraq. It calls for a comprehensive examination and analysis of material taken over from the Special Commission and engages a large number of the Commission's weapons experts and lawyers.

9. The completion of both the inventory of unresolved disarmament issues and the identification of the key remaining disarmament tasks will only be possible after the Commission's experts have commenced work in Iraq and have been able to assess what changes may have occurred during almost two and a half years when there have been no on-site inspections or monitoring in Iraq. Nevertheless, the Commission's experts are able to make considerable progress with this work through analysing and assessing the large volume of material taken over from the Special Commission, and other information acquired since the withdrawal of inspectors from Iraq in December 1998.

10. In accordance with the views expressed at the fourth session of the College of Commissioners in Vienna in February, the Commission's experts have added to their analysis assessments of the significance of the issues, and where possible, indications of ways in which these issues might be resolved or otherwise remedied in the future with Iraq's cooperation.

11. The Commission's staff has now completed the major part of the draft handbook for inspectors. Valuable advice has been obtained from the College of Commissioners for this work. The handbook aims at providing staff with practical guidance on many inspection and other operational issues. It sets out the procedures to be used by the Commission's staff in Iraq in respect of the various weapons disciplines for which the Commission is responsible. Common formats for field reporting and Iraq's declarations are included. Codes of conduct for staff and their responsibilities are also covered. The handbook provides inspectors with the texts of the Security Council's decisions and other sources of the mandate of UNMOVIC, and sets out the rights of inspectors and the corresponding duties and obligations of Iraq. For Iraq, which under resolution 1284 (1999) is called upon to cooperate in all respects with the Commission, the handbook may serve as upfront guidance on what may be required both of Iraq and of the Commission.

12. The Commission's experts have completed their review of the criteria for the classification of inspection sites and facilities throughout Iraq. They have also prepared common layouts and formats for the reporting of site inspections to allow greater consistency and thus a clear basis for analysis.

13. As required by paragraph 8 of resolution 1284 (1999), the Commission's staff have continued to revise and update the lists of dual-use items and materials to which the export/import monitoring mechanism, approved by the Security Council in resolution 1051 (1996), applies. The Commission's experts held consultations with representatives of interested Member States on the suggested revisions to the missile list in New York on 25 April. A second, and final, meeting on suggested revisions to the chemical and biological lists was held in New York on 8 and 9 May. In accordance with resolution 1330 (2001), the updating of the lists will be completed by the end of phase IX of the "oil-for-food" programme, early in June 2001.

14. The Commission's experts continue to make progress to link the IAEA and UNMOVIC databases, in particular with respect to information relevant to the operation of the Joint Unit established to implement the export/import monitoring mechanism for Iraq. The new

system will also integrate information held by IAEA and UNMOVIC on sites and facilities subject to inspection in Iraq. The Commission aims at developing an integrated data management system optimizing current technologies that will facilitate data retrieval, analysis, interpretation and reporting. To this end, a number of commercial packages have been procured, for example, tools to allow analysts to quickly search the entire collection of UNMOVIC documents and other systems that facilitate the scanning and subsequent electronic storage of documents. A Geographic Information System has also been in use for some time. This allows images to be geo-referenced to digitalized maps, and the subsequent linking of the standard databases. Resources beyond those of UNMOVIC are needed for specific software development efforts. This was recognized at an early stage and UNMOVIC has been seeking professional advice from a number of sources so as to enable it to utilize the optimal technologies currently available.

15. The Commission is aware of the need to ensure that the system under development is capable not only of meeting the current, more limited, activities of UNMOVIC, but also capable of anticipating and handling the situation which will arise once full activities are under way in Iraq and the flow of information to and within the system will be greatly increased.

16. The Commission has engaged short-term archivist consultants with previous experience of IAEA to advise on the creation of a work plan for the systematic indexing and storage of material taken over from the Special Commission, to facilitate its further use.

College of Commissioners

17. The fifth plenary session of the College of Commissioners was held in New York, on 21 and 22 May 2001. As on previous occasions, in addition to the members of the College, observers from the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons attended.

18. The Executive Chairman gave the Commissioners an oral report on the work of UNMOVIC since the last session of the College in February 2001. In addition, the Commissioners received briefings on the progress in the revision and updating of the lists of items and technologies to which the export/import monitoring mechanism approved by resolution 1051 (1996) applies and on the consultations held with interested Member States on suggested revisions to the lists. The Commissioners were also briefed on the UNMOVIC training programme.

19. The principal document before the Commission was a report on the ongoing work to identify unresolved disarmament issues. The examples given in the report which was before the College in February were revised in the light of comments made by Commissioners. In addition, the Commissioners had before them drafts of chapters of the UNMOVIC handbook completed since the previous session of the College. These chapters cover: incident and accident response procedures; procedures for the disposition of proscribed items or un-notified dual-use items; air operations and management of confidentiality and security within UNMOVIC.

20. The College welcomed the efforts of the Commission's staff in their ongoing work to identify unresolved disarmament issues. The College encouraged continued efforts, including assessing the significance of unresolved issues as well as examining ways in which such issues may be resolved, including through the operation of a reinforced system of ongoing monitoring and verification. The Commissioners agreed that a briefing by Commission staff on the scope and form of a reinforced system of ongoing monitoring and verification at the next session of the College would be useful. At that session, there could also be a discussion of the criteria for identifying key remaining disarmament tasks. With respect to the UNMOVIC handbook, it was broadly considered to be a useful document and that it was appropriate for the Commissioners to have been kept apprised of its development by the Secretariat. At the same time, a view was expressed that it was premature for the College to discuss the handbook pending the outcome of consultations on an agreed mode of implementing Security Council resolution 1284 (1999).

21. The College decided to hold its next session in New York on 28 and 29 August 2001.

22. In accordance with paragraph 5 of resolution 1284 (1999), the Commissioners were consulted on the contents of the present report.

Other issues

23. The Divisions of Information and Technical Support and Training have moved to an additional office that the Commission has acquired in a nearby building. This move has provided the staff of those divisions with a proper working environment. It has further allowed the relocation and better management of much of the Commission's large archive.

24. During the period under review, the Commission has been audited by an external panel from the United Nations Board of Auditors. Their report is awaited.

Conclusions

25. UNMOVIC was established to carry out the Security Council's decisions with respect to Iraq's weapons of mass destruction programmes. It has not yet been able to conduct work in Iraq. Until it can do so, it undertakes as much preparatory work as is possible, without incurring major financial commitments and without employing a large number of staff.

26. With the work completed to date, UNMOVIC is ready to take up the full tasks mandated to it by the Council. Only then will UNMOVIC be able to assess fully the disposition of Iraq's now proscribed weapons of mass destruction programmes through the operation of the reinforced system of ongoing monitoring and verification the Council has called for.

Notes

[*] The Commission's four previous quarterly reports were issued as documents S/2000/516, S/2000/835, S/2000/1134 and S/2001/177.

United Nations S/2001/516

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Letter dated 23 May 2001 from the Permanent Representative of Liberia to the United Nations addressed to the Secretary-General

Upon the instructions of my Government, I have the honour to forward herewith a self-explanatory letter addressed to you by His Excellency Mr. Monie R. Captan, Minister of Foreign Affairs of the Republic of Liberia (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Lami **Kawah**
Ambassador
Permanent Representative

01-38415 (E) 240501

Annex to the letter dated 23 May 2001 from the Permanent Representative of Liberia to the United Nations addressed to the Secretary-General

I refer to my letter of 10 May 2001 (S/2001/474) in which I brought to your attention the violation of paragraph 4 of Security Council resolution 1343 (2001) by the Government of the Republic of Guinea in view of its support for the armed group ULIMO, which is waging war against Liberia. Pursuant to paragraph 7 of the same resolution, officials in the Guinean Government may be classified as "other individuals providing financial and military support to armed rebel groups in countries neighbouring Liberia", especially in view of the fact that ULIMO, an armed group, is based in neighbouring Guinea.

It is regrettable that at this time when significant and commendable progress is being reported in the peace process in Sierra Leone, Guinea will continue unabatedly and with impunity to fuel the flames of war, thus undermining the progress made thus far to restore peace in the Mano River Union.

The Government of Liberia calls upon the United Nations urgently to act to prevent Guinean Government continued support for ULIMO, which, in contravention of paragraph 4 of Security Council resolution 1343 (2001), is contributing to further destabilization of the situation at the borders of the Mano River Union countries, and further intensifying the humanitarian crisis in the region.

(*Signed*) Monie R. **Captan**
Minister

United Nations S/2001/517

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25 May 2001
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Original: Arabic

Identical letters dated 21 May 2001 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General and to the President of the Security Council

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations has taken note of the identical letters dated 7 April 2001 from the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council concerning Kuwaiti, Saudi and third-country prisoners, detainees and missing persons in Iraq as a result of the Iraqi invasion of Kuwait (S/2001/340).

In this context, the Permanent Mission of Saudi Arabia expresses regret, alarm and astonishment at the scale of the sophistries, false inferences and distortion of the facts contained in the aforesaid letter, which is based not on facts or tangible evidence but by turns on misconstruction and disregard of the resolutions that embody international legitimacy and the principles of international humanitarian law.

Although Saudi Arabia holds itself aloof from engaging in pointless altercations, its Permanent Mission would like to reaffirm the facts set forth hereunder.

The letter indicated above seeks to ignore the resolutions that embody international legitimacy, the principles of international humanitarian law and all of the sincere humanitarian efforts made through the United Nations, the Organization of the Islamic Conference and the League of Arab States to devise a solution to the issue of the prisoners, detainees and missing persons in Iraq as a result of the Iraqi invasion of Kuwait on 2 August 1990 and the situation created by the failure thus far to find a solution to this humanitarian issue.

The efforts being made focus on urging Iraq fully to discharge all of its obligations as set forth in the relevant Security Council resolutions, so as to enhance international peace and security and stability in the region, and to meet the obligations imposed by international humanitarian law. They also urge Iraq to agree in an expeditious manner to resolve the problem of the Kuwaiti and third-country prisoners and missing persons in cooperation with the International Committee of the Red Cross (ICRC) and to do so on humanitarian grounds.

The letter of the Permanent Mission of Iraq asks whether the fact that United States and British aircraft take off from Saudi territory in order to bomb Iraq is compatible with the enhancement of the international peace and security of which Saudi Arabia speaks. The Permanent Mission of Saudi Arabia once again affirms that the United States and British aircraft to which reference is made do not take off from Saudi territory in order to bomb Iraq and that Saudi Arabia has nothing to do with them. As has been affirmed by

01-38573 (E) 290501 290501

senior Saudi officials on numerous occasions, the United States and British aircraft to which Iraq refers do not take off from Saudi territory.

Member States are fully aware that the establishment of the no-flight zone in southern Iraq was due to circumstances linked with Iraq's aggression against Kuwait and its threats against neighbouring countries. The relevant United Nations resolutions provide for the adoption of whatever measures are necessary for the security and integrity of the neighbouring countries and to ensure that they are not constantly under threat. The no-flight zone is to be regarded as an essential means of achieving the desired objective, and Security Council resolution 949 (1994) is therefore to be understood as the basis for the establishment of an essential mechanism and for the implementation of the no-flight zone as a means of giving effect to the resolution.

In this domain, the real question concerns Iraq's understanding of the enhancement of international peace and security in the region. Does the understanding that Iraq claims to have justify its invasion and occupation of a fraternal neighbouring country, a sovereign State that is a member of the League of Arab States, the Organization of the Islamic Conference, the United Nations and other international organizations, thus violating its sovereignty and dignity and pillaging its property? Does it justify, more than 10 years after the liberation of Kuwait, its continuing to hold some 615 Kuwaitis and others, its refusal to cooperate in determining their fate and its constant threats, up to the present day, against the security and integrity of neighbouring countries?

The Permanent Mission of Saudi Arabia would also like to state that the relevant resolutions, including Security Council resolutions 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991 and 706 (1991) of 15 August 1991, to which Iraq has agreed, explicitly stipulate that Iraq must release the prisoners and detainees, must cooperate, under the auspices of ICRC, in determining the fate of the missing of all nationalities and must fulfil its international obligations. There are also the provisions of resolution 1284 (1999) of 17 December 1999.

In the relevant resolutions, [for example in paragraph 2 (c) of resolution 686 (1991)], the Security Council demands that Iraq:

> "Immediately release under the auspices of the International Committee of the Red Cross, Red Cross Societies or Red Crescent Societies all Kuwaiti and third-State nationals detained by Iraq and return the remains of any deceased Kuwaiti and third-State nationals so detained."

The relevant Security Council resolutions and the norms of international humanitarian law are thus to be regarded as the legal framework for the evaluation of Iraq's compliance on the issue of the prisoners, detainees and missing persons being held as a result of the Iraqi invasion of Kuwait. The relevant provisions of those resolutions do not make any demands on Iraq that go beyond the commitments it has already given and with which it is already bound to comply under the instruments of international humanitarian law, primarily the third and fourth Geneva Conventions of 1949 and their additional protocols.

Reference should furthermore be made in this connection to the agreements signed in the past by Iraq with the coalition forces, which are closely linked with the relevant resolutions in terms of both time and substance. These include the memorandum of understanding signed in Riyadh on 7 March 1991 [S/1999/356, annex III, annex I] and the two documents respectively entitled "Plan of operation designed to ascertain the whereabouts of [*sic*] the fate of the military and civilian missing" and "Rules of procedure

and plan of operation of the Special Subcommittee on Military and Civilian Missing" [S/1999/356, annex III, annex I], both of which were approved by ICRC and signed in Riyadh on 12 April 1991 by Iraq, Saudi Arabia, Kuwait, the United States of America, the United Kingdom and France. These agreements gave rise to the existing mechanism, under the auspices of ICRC, for the functioning of the Tripartite Commission and its Technical Subcommittee, which were established on the basis of the resolutions indicated above and are to be regarded as the two proper mechanisms for the solution of the humanitarian problems involved.

The Permanent Mission of Saudi Arabia is thus of the view that the participation of a particular member in the meetings of these two bodies is not so much a Saudi demand as a question of an agreement that was approved by the Iraqi authorities in the past, through the agreements that were signed in Riyadh, and of compliance with its provisions. There is also a need for the efforts of all the members and for the information they have in their possession on a number of the issues that may be raised at the meetings, such as that of the Iraqi burial grounds that contain the remains of many of the missing Iraqis.

The letter of the Permanent Mission of Iraq states that the Permanent Mission of Saudi Arabia uses the term "prisoners" in referring to the issue of missing Kuwaitis and Saudis, that it does so out of malevolence and that this is to be regarded as a political stratagem on the part of the Saudi authorities. The Permanent Mission of Saudi Arabia would like to state that the term "prisoners" is used basically because of the manner in which these persons were taken to Iraq, namely by force and against their will, during the time of the Iraqi occupation of Kuwait. Moreover, all of the Security Council resolutions on this issue, including resolutions 686 (1991), 687 (1991), 706 (1991) and 1284 (1999), explicitly employ the designation of "prisoners" and call for their release. There were also the agreements reached at Safwan following the ceasefire between the coalition States and Iraq, and the record of the first meeting reflects the fact that a number of issues were addressed that included ceasefire arrangements and the issue of prisoners, detainees and missing persons in Iraq. Even though the letter of the Permanent Mission of Iraq claims that Iraq has complied fully with the resolutions in question, all the evidence refutes this claim in its entirety. The use of this term thus accords with the agreements reached and with the wording of the relevant resolutions. It is therefore not the case that it is a Saudi term to which the Kingdom is trying to give currency.

In this context, the Permanent Mission of Saudi Arabia reaffirms the importance of compliance with international humanitarian law and with the four Geneva Conventions of August 1949 and their additional protocols. Of particular importance in this respect is the Geneva Convention IV relative to the Protection of Civilian Persons in Time of War, which seeks to uphold the dignity, security and integrity of the human being and to secure his rights, freedom and protection from molestation. Iraq's invasion of Kuwait; the conduct of the Iraqi authorities during the time of the Iraqi occupation of the country and their violations of the relevant conventions; the fact that Iraq is continuing to hold more than 615 Kuwaiti, Saudi and third-country prisoners and has not released them more than 10 years after the liberation of Kuwait and, indeed, that it has not throughout this 10-year period provided any information that might have helped in determining their fate — all of this is totally incompatible with the requirements of the relevant resolutions, with the four Geneva Conventions and their exalted principles and with international humanitarian law and it refutes the allegations made in the letter of the Permanent Mission of Iraq.

The Permanent Mission of Saudi Arabia would also like to state that the Kingdom has always welcomed the efforts of ICRC and has been committed to the existing

mechanism for the functioning of the Tripartite Commission and the Technical Subcommittee under ICRC auspices. This refutes the Iraqi claim in its entirety. The fact that Saudi Arabia welcomes the efforts made by the League of Arab States, the Organization of the Islamic Conference and the United Nations, such as the appointment by the Secretary-General of the United Nations of Mr. Yuli Vorontsov as High-level Coordinator for the repatriation of Kuwaitis and third-country nationals and of their remains from Iraq, can in no way be considered as belittling the efforts of ICRC or its fairness, impartiality and humanitarian role. Their involvement is rather to be regarded as a valuable supplement provided by the international community and as an expression of its efforts to contribute to devising a satisfactory solution to this issue on purely humanitarian grounds.

Saudi Arabia has constantly advocated the importance of taking account of the two existing mechanisms under the auspices of ICRC and indeed of commitment to them as the appropriate means of solving the humanitarian problems involved. Iraq did participate in their work in the past. The results that have been achieved, the issues that have been raised through them and the information that has become available from them are the outcome of arduous and constant efforts that have taken more than 10 years. This outcome can reinforce the efforts of any other party seeking to devise a satisfactory solution to this humanitarian dilemma. They have also had the time, the effort and the information to make them a foundation on which to build with commitment to the principles on which they are based and the participation of all of their members, given the importance of their technical capacities and their contributions to resolving many other issues relating to prisoners, detainees and missing persons, such as that of the Iraqi burial grounds. It is to this that the letter of the Permanent Mission of Iraq to the United Nations tries to give an erroneous interpretation and it is this that it tries to endow with a political character devoid of humanitarian considerations.

The Kingdom of Saudi Arabia has, moreover, participated in all the meetings of the Tripartite Commission and the Technical Subcommittee established to consider the issue of Saudi, Kuwaiti and other prisoners, detainees and missing persons in Iraq under the auspices of ICRC and with the participation of Iraq and all the other members of the two bodies. They have held 77 meetings over the past 10 years, the most recent being that of 15 March 2001. Of those meetings, 57 were attended by Iraq and all the other parties whose attendance Iraq uses as a pretext for continuing to boycott the meetings of the two bodies, seeking to overlook the fact that they were parties to the relevant agreements with Iraq's approval, as indicated above, with a view to achieving satisfactory solutions to this long-standing humanitarian issue.

Iraq has not, however, responded to all the efforts made in this regard, and it has not translated its promises into tangible reality. It has not provided positive information to demonstrate its seriousness in seeking solutions to this humanitarian dilemma. Indeed, the humanitarian efforts that have been made by Saudi Arabia, Kuwait and the other States members of the Tripartite Commission and the Technical Subcommittee have been thwarted by Iraq's withdrawal from the two bodies and by its boycott of their humanitarian endeavours as of 30 January 1999 without giving any convincing rationale. This is tantamount to disrupting the work of the two bodies and the humanitarian efforts being made in this regard. It is to be regarded as a flagrant violation of the relevant resolutions and of international humanitarian law. As a result of Iraq's boycott, the Tripartite Commission has continued to hold consultative meetings attended by the other parties and under the auspices of ICRC, in the hope that Iraq will resume its participation.

In its letter, the Permanent Mission of Iraq also mentions the issue of the Saudi pilot Muhammad bin Salih Nadirah, whose aircraft was brought down on 13 February 1991. More than six years after being asked about him, Iraq acknowledged that his alleged remains had been buried by a member of the Iraqi armed forces. This is according to paragraph 7 of the minutes of the twenty-second session of the Technical Subcommittee, held on 30 April 1997, and a statement made in a note from the Iraqi Ministry of Foreign Affairs dated 15 May 1997 (10/M.K./93078). Iraq then claimed that it cooperated in the return of his remains, after some 10 years, on 24 October 2000.

The efforts of Saudi Arabia over a 10-year period were met with different and contradictory Iraqi accounts that ranged from total denial of any knowledge of his fate, to the subsequent claim that the coalition forces had rescued him and returned him to Saudi Arabia, to the determination that his aircraft had been shot down and that he had been killed in an Iraqi minefield, and to the claim that he had died in the crash and that his remains had been buried by a member of the Iraqi armed forces. All of the contradictory Iraqi positions just mentioned reveal the true nature of Iraq's attitude towards this humanitarian issue. The Permanent Mission of Saudi Arabia thus wishes to state that the true state of affairs was that all the information to the effect that the person in question was alive at the time the aircraft was brought down derived from that submitted to the authorities at the time by the ICRC delegation in the Kingdom in its note of 24 January 1993 (93/2031).

The proposal for a plan to search for the aircraft crash site and to retrieve the alleged remains of the pilot from Iraq, which, according to the entry in paragraph 7 of the minutes concerning item 7 of its agenda, had been proposed at the thirty-sixth session of the Technical Subcommittee, held on 2 December 1998, is to be regarded, in the light of Iraq's [subsequent] boycott of its work, as a success for the efforts of ICRC and the other members of the Technical Subcommittee in convincing Iraq at that time to cooperate on this issue on humanitarian grounds and within the framework of the existing mechanism and in doing so despite Iraq's repeated attempts at trickery and its constant endeavour to politicize the issue and other issues relating to prisoners, detainees and missing persons by thwarting the work of the Technical Subcommittee and endeavouring to address the relevant issues at that time outside the scope of the established rules and the existing mechanism.

That some two years passed from the time the proposed plan was first submitted by ICRC on 2 December 1998 until it was implemented on 24 October 2000 is a result of the excuses, arguments and conditions raised by the Iraqi authorities. Sometimes they would argue that the area was full of mines as a result of bombing by the coalition States (although these States refuted this argument); sometimes they would argue that the prevailing weather in the area was not suitable; and sometimes they would argue that Iraqi technical capacities were deficient and would request the assistance of the Saudi authorities in securing them. On the basis of the Iraqi information submitted, the technical requirements for the implementation of the proposed search operation as contained in the plan proposed by ICRC, such as various items of equipment, mine detectors, personnel, helicopters, communications equipment, ambulances, etc., and more, were all provided by the Saudi authorities in an endeavour to resolve this issue. It subsequently transpired, when a start was made on the search operation, that there was no need for most of these items. This exposes without any equivocation the Iraqi allegations and prevarications and the falsity of Iraq's claims and demands. The best proof of this is ICRC's participation and its perception of the true nature of the situation, which demonstrated that these Iraqi demands were not based on tangible reality.

Agreement was reached with representatives of ICRC to hold a coordination meeting of the Saudi technical team and the Iraqi technical team under the auspices of ICRC in Ar'ar on 19 October 2000 in order to discuss the information and detailed maps of the area in which the aircraft had come down and of the place where the alleged remains had been buried that had been submitted by the Iraqi technical team and for the Saudi technical team to present a briefing on the technical preparations indicated above. However, given the contradictory character of the information presented by the Iraqi technical team and its claim that the implementation of the plan would require only limited technical capacities and preparations, the Saudi technical team stated that it would welcome an immediate start on the implementation of the plan at that time. It was thus implemented in the period from 19 to 24 October 2000.

In this context and in an endeavour to clarify the true state of affairs with respect to the operation for the retrieval of the alleged remains of the Saudi pilot that had been lost for some 10 years, at the consultation meeting of the Tripartite Commission held in Geneva on 15 March 2001 Saudi Arabia raised a number of questions relating to the reports of the two independent Swiss experts involved in determining the fate of the Saudi pilot and retrieving his remains and to the results obtained. It did so on purely humanitarian grounds relating, on the one hand, to the right of the Saudi pilot's family to obtain full and complete information 10 years after his aircraft had been shot down and he had disappeared and, on the other hand, to the obligation of Saudi Arabia to ascertain his fate and the circumstances and causes of his death. It also wished to obtain full and complete answers, particularly since the report of the independent Swiss aircraft expert had not addressed some of the aspects that could lead to a determination of the fate of the pilot (such as the ejector seat, the parachute and the pilot's helmet) and the Iraqi authorities had not handed those items over for examination and to be used to determine the causes and manner of the pilot's death. This concern met with great understanding on the part of ICRC, particularly since Iraq had presented many different and conflicting accounts over a six-year period.

This is to say nothing of the fact that the Iraqi authorities did not fulfil their obligation to hand over all of the remains of the Saudi pilot to ICRC. The remains consisted only of a very few small bones weighing no more than 19.4 grams and were in bad condition. ICRC was thus unable to divide them into two parts, one for the Saudi side for analysis at any international laboratory of its choosing and the other for ICRC for analysis at a Swiss laboratory, as set forth in the plan proposed by ICRC and approved by Iraq. All of the remains had to be handed over to ICRC in order to determine whether they were those of the pilot and, if so, the cause and date of his death. The meagre quantity of remains provided by the Iraqi authorities meant that the Swiss laboratory was unable to identify the pilot's DNA unambiguously in one of the two tests carried out. The remains were also in a deteriorated condition because a period of some 10 years has elapsed since they had been buried, according to the Iraqi claims. The independent Swiss forensic expert therefore suggested to the Saudi side that further analyses should be carried out at a world-class laboratory in the United States of America, the United Kingdom or any other country that had the sophisticated technical and laboratory capacities and the necessary expertise in this field. He stated that it might be possible to achieve successful results that would help to determine the age of the remains in an unambiguous or at least approximate manner, taking account of the humanitarian considerations, and to achieve results satisfactory to the family of the pilot Muhammad Nadirah. Saudi Arabia also stressed that the measures it was requesting, whether those relating to the submission of questions to the independent aircraft expert or to the conduct of further analyses of some of the remains retrieved, did

not seek to belittle the competence of the two independent Swiss experts. This was met with great understanding and acceptance on the part of ICRC, just as its purpose was to complete all of the procedures and to answer all of the questions arising out of this matter.

Large amounts of aircraft wreckage disappeared from the site of the crash when the Iraqi authorities removed most of it to sites further inside Iraq — as admitted by Iraqi officials at meetings of the Tripartite Commission and the Technical Subcommittee in the presence of representatives of ICRC and the other parties and as reflected in paragraph 6 (b) of the minutes of the nineteenth session of the Tripartite Commission, held in Geneva on 11 June 1997 — and they left a very small quantity of aircraft wreckage strewn about in the area of the crash site. These facts refute Iraq's claims that the Saudi technicians participating in the implementation of the search plan were able to obtain aircraft wreckage that filled one large low-loader. At this meeting, the Iraqi side stated that the Iraqi authorities had taken large pieces of the aircraft, such as both wings, the tail and a piece on which was written *Sirb al-Ahsa'* ("Al-Ahsa' Squadron") further into Iraq. The Saudi side requested this wreckage at the time in order to examine it and try to find some answers concerning the causes and circumstances of the downing of the aircraft, but the Iraqi side has yet to hand it over.

In sum, the Permanent Mission of Saudi Arabia would like to state that the issue of the Saudi pilot is to be regarded in the same manner as that of the other prisoners, detainees and missing persons in Iraq and that it elicits the same degree of interest. Saudi Arabia believes in accepting God's will and in closure, and it is prepared to accept any authentic results concerning the fate of the Saudi pilot. It is this that it has been trying to learn from the Iraqi side for 10 years in the meetings of the bodies concerned. The Iraqi authorities could have informed ICRC of the death of the pilot at the time it took place and could then have handed over his body to the Saudi authorities, just as in a similar case involving Iraq Saudi Arabia handed over the remains of an Iraqi pilot to the Iraqi authorities through ICRC. This humanitarian attitude on the part of Saudi Arabia has not, however, been met with a corresponding attitude on the part of the Iraqi authorities. Indeed, we have constantly been confronted with Iraq's conflicting positions, and they indicate that it does not wish to resolve this humanitarian issue and that it is trying to exploit it for political reasons.

The Permanent Mission of Saudi Arabia would also like to state that the Kingdom of Saudi Arabia and the States members of the Tripartite Commission and the Technical Subcommittee concerned with matters of prisoners, detainees and missing persons are responsive to Iraq's submissions concerning the Iraqis it claims are missing. Saudi Arabia has accepted the 124 Iraqi dossiers submitted to it through ICRC on humanitarian grounds, and they include 78 Iraqi dossiers that were received by Saudi Arabia in June and August 2000. It is evident to the Saudi authorities that the persons whose names have appeared on these dossiers up to the present time are not to be found in Saudi territory. Their dossiers will nevertheless continue to receive the scrutiny and attention of the Saudi authorities. It should be noted that Iraq's withdrawal from the work of the Commission and the Subcommittee has hampered the exchange of information between the two parties on this matter. Had Iraq continued to participate in the work of these two bodies, this might have assisted the process of searching and inquiring among the other parties in an attempt to achieve tangible results.

The other members of the Tripartite Commission have been diligent in submitting information on the Iraqi burial grounds, identifying their locations inside Iraqi territory and calling on the Iraqi authorities to identify the remains of the Iraqi soldiers buried there,

which are those of some 457 missing Iraqis. This is to be regarded as a most eloquent indication of the cooperation shown by the members of the Tripartite Commission and the Technical Subcommittee. Since the members of the Tripartite Commission submitted this information to the Iraqi authorities at a number of the sessions of the Technical Subcommittee, including its twenty-fourth session, held on 16 July 1997, and its twenty-seventh session, held on 21 December 1997, the Iraqi authorities have continued to be incapable, for reasons and purposes we have thus far been unable to divine, of defining the principles by which it may be possible to be guided in identifying Iraqi mortal remains as a first step that may help in determining the fate of the other Iraqi missing persons that the Iraqi authorities claim went missing during the military operations for the liberation of Kuwait.

Finally, the Permanent Mission of Saudi Arabia reaffirms the country's position that, on humanitarian grounds, it backs, endorses, supports and welcomes any stance, role or effort that is conducive to addressing the issue of the Saudi, Kuwaiti and other prisoners, detainees and missing persons in Iraq and that is based on the relevant United Nations resolutions, all of which require Iraq to cooperate in determining the fate of the missing of all nationalities under the auspices of ICRC and to discharge all of its international obligations.

Saudi Arabia also hopes that Iraq will resume its participation in the existing mechanism for this purpose, which it approved in the past when it signed the instruments establishing the Tripartite Commission on 12 April 1991 and the Technical Subcommittee on 8 December 1994, together with all the other parties. There is a need for their efforts and for whatever information they might have so that the Kuwaiti, Saudi and other prisoners, detainees and missing persons may at long last return to their kith and kin and so that there may be an end to this human suffering that has lasted for close to 10 years. This is the best way to resolve this humanitarian issue.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Fawzi Bin Abdul Majeed **Shobokshi**
Ambassador
Permanent Representative

United Nations S/2001/518

Security Council

Distr.: General
25 May 2001

Original: English

Letter dated 23 May 2001 from the Chargé d'affaires a.i. of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit a copy of a note verbale dated 7 May 2001, with an attachment, from the Interests Section of the Islamic Republic of Iran in Washington, D.C., to the Embassy of Pakistan, to be forwarded to the United States Department of State, on the violation of the airspace of the Islamic Republic of Iran by the United States aircraft based in the Persian Gulf region (see annex).

It would be highly appreciated if this letter and its annex were circulated as a document of the Security Council.

(*Signed*) Mohammad Hasan **Fadaifard**
Ambassador
Chargé d'affaires a.i.

01-38534 (E) 290501

Annex to the letter dated 23 May 2001 from the Chargé d'affaires a.i. of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

The Interests Section of the Islamic Republic of Iran in Washington, D.C., presents its compliments to the Embassy of Pakistan, and has the honour to refer to the attached message, received from the Ministry of Foreign Affairs of the Islamic Republic of Iran. It is respectfully requested that the original text message be transmitted to the United States Department of State and our office be informed of their response.

Enclosure

According to information received from officials of the Government of the Islamic Republic of Iran, on 7 February 2001 at 1320 hours two United States aircraft (F-14) at the position of 28°15'N, 49°56'E chased and warned an Iranian P3F aircraft belonging to the Iranian air force.

It should be noted that the Iranian aircraft was flying over the Islamic Republic of Iran's airspace, and the United States aircraft violated the territorial airspace of the Islamic Republic of Iran by chasing the Iranian aircraft.

The Government of the Islamic Republic of Iran protests these illegal activities (entering into the Islamic Republic of Iran territorial airspace without proper authorization) by the United States Government and calls for an end to such actions.

United Nations S/2001/519

Security Council

Distr.: General
25 May 2001

Original: English

Letter dated 18 May 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Liberia to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to forward herewith a copy of the text of a letter dated 23 April 2001 from Mr. Monie R. Captan, Minister of Foreign Affairs of the Republic of Liberia, addressed to the Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Famatta R. **Osode**
Chargé d'affaires a.i.

01-38620 (E) 290501

Annex to the letter dated 18 May 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Liberia to the United Nations addressed to the President of the Security Council

I have the honour to acknowledge receipt of your letter (S/AC.39/2001/OC.18) of 12 April 2001 wherein you called our attention to Security Council resolution 1343 (2001) and in particular paragraph 2 (a).

The Government of the Republic of Liberia wishes to inform you that none of the individuals named on the attached list (see enclosure) were present in the territory of Liberia at the time of the adoption of resolution 1343 (2001) and none of them have ever been in Liberia subsequent thereto. Those known to us are individuals whose current whereabouts are reported to be in Sierra Leone where they are engaged in constant interaction with the United Nations Mission in Sierra Leone (UNAMSIL) and the Sierra Leone Government. Among these are Issa Sessay (alias General Emperor), Gibril Massaquoi (Colonel Postmaster/Wild Fire) an Omrie Golley who is chairman of the new chief council and official spokesman of the Revolutionary United Front (RUF). Mr. Omrie Golley, we understand, lives in Europe, which is known to UNAMSIL.

Concerning the others, the Government cannot understand how Ibrahii. Bah, who is alleged in the United Nations list to be President Campaore's adviser on RUF, can serve in that capacity while residing in Liberia. While we recognize the name of Mr. Sam "Mosquito" Bockariue as former military commander of RUF who was exiled in Liberia for awhile in consequence of arrangements with the Economic Community of West African States (ECOWAS) and the United Nations, he left this country prior to the adoption of Security Council resolution 1343 (2001) as a result of Liberia's decision to disengage from the Sierra Leonean peace process and its expulsion order to all RUF members. The other individuals on the list are not known to the Government of Liberia.

Kindly circulate the present document as a document of the Security Council.

(*Signed*) Monie R. **Captan**
Minister

Enclosure
List of RUF members designated by the C mmitte as being sub ect to paragra 2 (a of Security Cou cil resolution 1343 (2001 a f 6 pril 2 01

Sam "Mosquito" **Bockariue**: ilita y Commande , exiled in Liberia by Samkoh in Dece:mber 1999

Eddie **Kanneh**: ex-field Commander, now in charge of arms/diamonds trade (similarly exiled)

Ibrahim **Bah**: President Compa re's Adviser on RUF. S ends lot of time in Monrovia

Short **Bai Bureh** (Colon l Doer of the Act): Commander of Combat Group in Guinea

Koneh **Bai'Bltreh** (Shining Star): Commander Third ri ade operations in Guinea

ansana **Conteh** (Colonel): Commander Second Brigade

"General" **F yia**

Komba **Gbundema** (Colonel onamie): Operations Commander, Guinea

Martin **Geo ge** (Colonel MaoMao): Commande First Brigade

Morie **Jeio** (Major): Acting hairma RUF Party (RUFP) Mining, Ltd.

Muhammad **Kabbah** (Major Master Tourist : Signals Commander

Mclosky **Kallon** (Colonel Ngugumeh): Commander Seventh Brigade

Isatu **Kallon**

Alfred **Kar bo** (Colonel Base Marine): Commander Fourth Brigade

J nathan **Kposowa**: Chief of Administrati n

Philip **Sandy**

Michael S ndy

Victor (Lieutenant Colonel): Deputy Chair an, RUF Party (RUFP) Mining, L d.

Omrie **Golle** *: Chairman of the new Peace Council and RUF spokesman: a re u ar visitor

Issa **Sessay*** (Ali s General Emperor): Head of RU

Augustine **Gbao*** (Colonel Destin): Head of Inter al Security

Maurice allon* (Brigadier Spirit): Operations Commander, Division He d arters

Gibril **Masaquoi*** (Colonel Postma t r/Wildfire): Spokesman and Head of Media Operations

Dennis **Mingo*** (Brigadier Compass/Superman): Liberia

Adbul **Razak*** (Lieutenant Colonel): ex-Chairman, RUF Party (RUFP) Mining, Ltd.

M. **Souv a*** (Col nel): Commander ixth Brigade

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* Individuals who visit frequently and conduct RUF business in Liberia.

United Nations S/2001/520

Security Council

Distr.: General
25 May 2001
English
Original: French

Letter dated 23 May 2001 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention a statement on the report of the Sharm el Sheikh Fact Finding Committee issued on 22 May 2001 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a Security Council document.

(*Signed*) Pierre **Schori**
Permanent Representative of Sweden to the United Nations

01-38627 (E) 290501 300501

Annex to the letter dated 23 May 2001 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the report of the Sharm el Sheikh Fact Finding Committee issued on 22 May 2001 by the Presidency of the European Union on behalf of the European Union

The European Union welcomes the publication of the report of the Sharm el Sheikh Fact Finding Committee (the Mitchell report), and fully endorses its recommendations. Like the Jordanian-Egyptian initiative, the Mitchell report is a realistic and balanced proposal to work from, in order to restore calm in the Middle East and relaunch the peace process.

The European Union urges the parties to faithfully adhere to the recommendations contained in the report. In particular, the Union expects the parties to take immediate and unconditional steps to cease all violence, to resume security cooperation and to exchange confidence-building measures, including a halt to settlement activities. These are all important elements for a resumption of negotiations, which should then follow. Negotiations should be based on international law, in particular Security Council resolutions 242 (1967) and 338 (1973), and the principle of land for peace.

The Mitchell report and the Egyptian-Jordanian initiative have provided the parties with the means to break the vicious circle of violence. The European Union expects both parties to do their utmost to stop violence and find a negotiated solution at this critical juncture. The Union stands ready to assist the parties.

United Nations S/2001/521

Security Council

Distr.: General
29 May 2001

Original: English

Report of the Security Council mission to the Great Lakes region, 15-26 May 2001

I. Introduction

1. In his letter dated 25 April 2001 (S/2001/408), the President of the Security Council informed the Secretary-General that the members of the Council had decided to send a mission to the Great Lakes region of Africa. Following consultations among the members, it was agreed that the composition of the mission should be as follows:

France (Ambassador Jean-David Levitte, Head of Mission)

China (Ambassador Wang Yingfan)

Colombia (Ambassador Alfonso Valdivieso)

Ireland (Ambassador David Cooney)

Jamaica (Ambassador Curtis A. Ward)

Mali (Ambassador Moctar Ouane)

Mauritius (Ambassador Anund Priyay Neewoor)

Singapore (Ambassador Kishore Mahbubani)

Tunisia (Ambassador Othman Jerandi)

Ukraine (Ambassador Valery P. Kuchinsky)

United Kingdom of Great Britain and Northern Ireland (Ambassador Jeremy Greenstock)

United States of America (Ambassador Cameron R. Hume).

2. The terms of reference of the mission are annexed to document S/2001/408.

3. The Security Council mission left New York on 15 May and returned on 26 May. During that period, the mission visited Johannesburg, Pretoria, Kinshasa, Luanda, Lusaka, Bujumbura, Dar es Salaam, Kigali and Kampala. They met with the President of South Africa, Thabo Mbeki; the President of the Democratic Republic of the Congo, Joseph Kabila; the President of Angola, José Eduardo dos Santos; the President of Namibia, Sam Nujoma; the President of Zimbabwe, Robert Mugabe; the President of Zambia, Frederick Chiluba; the President of Burundi, Pierre Buyoya; the President of the United Republic of Tanzania, Benjamin Mkapa; the President of Rwanda, Paul Kagame; and the President of Uganda, Yoweri Kaguta Museveni, as well as the facilitator in the Burundi conflict, former President Nelson Mandela, and the neutral facilitator for the inter-Congolese dialogue, former President Sir Ketumile Masire. The mission also met with the Political Committee in Lusaka, and the leader of the Front de libération du Congo (FLC), Jean-Pierre Bemba, and held informal talks with leaders of the Rassemblement congolais pour la démocratie (RCD (Goma)) and leaders of the Burundian Front pour la défense de la démocratie (FDD) and the Forces nationales pour la libération (FNL). The mission met with Congolese members of civil society, religious leaders and representatives of political parties. In Rwanda, members met with Government Ministers and representatives of civil society, and in Burundi with signatories of the Arusha Agreement. The mission visited Mbandaka, Democratic Republic of the Congo, on 20 May.

II. Activities of the Security Council mission

4. With each of its interlocutors, the leader of the Security Council mission, Ambassador Levitte, introduced the members of the mission and set out its objectives, in accordance with the terms of reference.

01-38454 (E) 290501

Individual members then made comments or put questions. The Security Council mission conducted the following meetings and activities during its visit.

Meeting with Sir Ketumile Masire

5. The Security Council mission met with the neutral facilitator in the inter-Congolese dialogue, Sir Ketumile Masire, in Johannesburg on 17 May. In a detailed exchange of views, Sir Ketumile informed the mission of his plans to advance the dialogue and outlined some of the difficulties he foresaw in its progress. Members of the mission stressed the need to ensure that progress in the political sphere of the Lusaka Ceasefire Agreement, notably the dialogue, was made in parallel with the military aspects, namely, the withdrawal of foreign forces and the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups.

6. Sir Ketumile informed the mission that, in the coming weeks, he would dispatch two senior advisers, Archibald Mogwe and Hacen Ould Lebatt, to meet with members of civil society and the unarmed opposition in all 11 provinces of the Democratic Republic of the Congo and to supervise the designation of their representatives in accordance with article 6 of the Declaration of Principles of 4 May 2001. It would also be necessary to resolve other questions, including the timing, location and agenda of the dialogue, as well as substantive issues such as the organization and conduct of elections, the drafting of a constitution, the creation of institutions to support good governance and the formation of a new national army. The facilitator had requested the parties to provide him with their views on these matters by mid-May, but none had so far done so. The facilitator was now strengthening his office in Kinshasa, which is headed by Mr. Ould Lebatt, with the assistance of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). Sir Ketumile, who had envisaged convening a preparatory conference towards the end of June or early in July, announced at a subsequent meeting with the mission in Lusaka on 22 May that the preparatory conference would begin on 16 July.

7. Sir Ketumile also thought it necessary to include in the dialogue the humanitarian situation, the economy and development, despite the reservations expressed by some donors. The nature, modalities of establishment and powers of the transitional administration to be established in accordance with the dialogue also remained to be decided upon, though Sir Ketumile agreed with members of the mission that its duration should be as brief as possible.

8. No decision had emerged as to the location of the dialogue. Mutual distrust among the parties might preclude convening it in Kinshasa, although the possibility of conducting the dialogue within the Democratic Republic of the Congo had not been ruled out. External locations such as Addis Ababa and Lusaka had also been suggested. Sir Ketumile confirmed that he had no objection to any location for the dialogue within the Democratic Republic of the Congo, so long as it was agreeable to the parties.

9. Members agreed that the inter-Congolese dialogue was the centrepiece of the entire peace process. They had found Sir Ketumile Masire's briefing very encouraging. Members also looked forward to the full cooperation of the Government of the Democratic Republic of the Congo with the facilitator.

Meeting with Nelson Mandela

10. The Security Council mission met with the facilitator of the Burundi peace process, former President Nelson Mandela, in Johannesburg on 17 May. The members of the mission sought Mr. Mandela's guidance on the approach the Council mission should take with President Buyoya; whether to meet with the rebel groups, if that were possible, and how to engage them; and how regional leaders could be invited to assist. In particular the facilitator's views were sought on the advantages of establishing a permanent negotiating mechanism to devote sustained attention to the problem.

11. Mr. Mandela, stressing that he took an optimistic view, briefly recounted the events surrounding and since the signing of the Arusha Agreement on Peace and Reconciliation on 28 August 2000. The facilitator identified two central issues: the transitional Government and the ceasefire. Mr. Mandela advised the Security Council mission to make it very clear to the armed groups that there was no military solution, and that dialogue was the sole means of reaching agreement.

12. Members of the mission noted that many of the reports received by the Council concerning the situation in Burundi had been very pessimistic. It was noted that, in a disturbing development, the numbers of the armed groups had grown recently, and they

appeared to be concentrating around Bujumbura. The facilitator also spoke of the negative attitude towards the United Republic of Tanzania now current within Burundi.

Meeting with President Mbeki

13. The Security Council mission met with President Mbeki in Pretoria on 17 May. Identifying the need to disarm the ex-FAR and Interahamwe militia as the key to an eventual Rwandan pull-out, President Mbeki said there were indications that Rwanda might be prepared to offer amnesty to those armed group members who were not wanted by the Tribunal.

14. The Burundian FDD were reportedly regrouping in the United Republic of Tanzania, apparently under the pressure of the ongoing peace process in the Democratic Republic of the Congo. This might oblige the United Republic of Tanzania to place more troops at the border. The Vice-President of South Africa, Jacob Zuma, was conducting talks with the President of Gabon, Omar Bongo, President Kabila, the Burundians and others, and the bilateral talks between the Burundian rebels and President Kabila, and between President Kabila and President Kagame, were a welcome development.

15. In the political process, President Mbeki saw no problems of principle, only of detail. The neutral facilitator would need more resources to carry out his functions. President Kabila appeared to be sincere in his commitment to the peace process, and the recent meeting between President Kagame and President Mugabe in Harare was a positive development.

Meeting with President Kabila

16. The Security Council mission met with President Kabila and some of his senior officials, including the Minister for Foreign Affairs, Leonard She Okitundu, in Kinshasa on 18 May. A key issue raised by members of the mission was the demilitarization of Kisangani pursuant to resolution 1304 (2000). The Council mission also looked forward to discussing with the Political Committee its plans for the withdrawal of foreign forces from the territory of the Democratic Republic of the Congo and the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups. With reference to the need to gather information on the armed groups who were to undergo disarmament and demobilization, it would be helpful if the Government could provide all possible data to the Joint Military Commission and to MONUC. In this connection, the mission stressed that the establishment and maintenance of productive bilateral channels between Kinshasa and Kigali were vital to the restoration of peace and the development of democracy and prosperity in the subregion. This was the key to the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups, since the United Nations would not be in a position to track them down and disarm them by force.

17. The question of the civil administration of the zones to be evacuated by foreign forces was a matter of concern to the Security Council, in the context of protecting the civilian population, as well as the possibility of the establishment of an interim administration to maintain law and order.

18. There was an important economic element in the involvement of the international community in the Democratic Republic of the Congo, pointed out members of the mission. MONUC could play a role in reviving the country's economy by helping to reopen the riverine system. The head of the mission was pleased to announce that the Uruguayan riverine unit was scheduled to arrive in the country on 6 June, and would be based at Mbandaka. Work was also needed to restore the railways and to implement quick-impact projects. Finally, support had been expressed for the convening at the appropriate time of a regional conference on the Great Lakes region.

19. In his response, President Kabila placed great emphasis on his Government's view that the Rwandan and Ugandan troops in the Democratic Republic of the Congo were forces of aggression — not "uninvited forces" — and that, in accordance with resolution 1304 (2000), they should withdraw forthwith. The Congolese people had never accepted those forces, and their resistance continued. Referring to the Mayi-Mayi fighters, President Kabila said they should not be regarded as "negative forces". Allied troops would also be expected to withdraw in due course. His Government fully supported the inter-Congolese dialogue. The dialogue was a matter for the Congolese people, however, and could not be conducted in the presence of foreign armies. It was against that background that he had repealed decree 194, thus liberalizing the political climate in the Democratic Republic of the Congo.

20. President Kabila agreed with remarks by members of the mission on the importance of direct contact with Rwanda, the "disastrous" humanitarian situation, the risks of the conflict in Burundi, the difficulties posed by the disarmament, demobilization, reintegration and repatriation or resettlement exercise and the need for full respect for human rights. Supplementing the President's observations, Foreign Minister She Okitundu said the Government had demonstrated its flexibility and its willingness to engage in dialogue. All the questions raised by the mission could be dealt with in the context of the dialogue. An international conference could be a good way of focusing further attention on the problems of the region.

21. In the view of President Kabila, the Government should take over the civil administration throughout the country as and when foreign forces withdrew. President Kabila added that FLC and RCD did not represent the Congolese people. It might be necessary to hold elections to determine who should represent the people in the inter-Congolese dialogue. Perhaps the United Nations could organize those elections.

22. Agreeing with the remark that he had opened up a window of opportunity, President Kabila added "I could not close it even if I wanted to. I want to break down walls as well".

23. In response to a question, President Kabila confirmed that his Government had instituted a demobilization programme for children under the age of 18. The four child soldiers who had been sentenced to death in 1999 had had their sentences commuted, and other measures were being examined by the Government. Not enough had been done to publicize this situation, the President acknowledged.

24. Offering to engage in dialogue with anyone, President Kabila reiterated his support for the Lusaka Agreement, calling it "our Bible". Those who had seized power through the barrel of a gun did not represent the people. He had no intention of retaining power for its own sake, but wished to give the Congolese people the right to decide their own future. If they did not get that chance now, they might have to wait another 40 or 50 years, said President Kabila. He wanted to see elections in his lifetime — preferably within the year.

Meeting with specialized agencies

25. The Security Council mission met with representatives of the specialized agencies based in Kinshasa for a wide-ranging discussion of issues relating to the competence and activities of each agency, and the future roles they might play in the event of an expansion in the mandate of MONUC.

Meeting with President dos Santos

26. The Security Council mission met with President dos Santos in Luanda on 18 May, before returning the same evening to Kinshasa.

27. The members of the mission condemned the attack by UNITA at Caxito, Angola, where 200 people had been killed and more than 60 children had been abducted. The Security Council, he continued, was determined to implement in full all resolutions pertaining to sanctions against UNITA, and was making steady progress in doing so. President dos Santos expressed particular appreciation for the mission's reference to the UNITA attack on Caxito, which he accepted as a message of solidarity with the victims.

28. There now existed a set of factors that would facilitate the implementation of the Lusaka Agreement, said the Angolan Head of State. President Kabila was flexible and, with Angolan encouragement, had taken significant steps towards conducting the inter-Congolese dialogue. The two aspects of the accord — its military provisions and the dialogue — should be conducted in parallel. It was important to establish a timetable for both aspects.

29. While the main issue was to end the war, said the President, consideration should also be given to the role of the Government during the transitional period. The size of the country, the multiplicity of actors and the complexity of the situation could give rise to dangers if it was envisaged to create a new authority to govern during the transitional period. It would be preferable to work with the present Government and to persuade it to comply with rules to be developed within the context of the dialogue until general elections could be held with the participation of all parties.

30. To a question concerning the timing of various aspects of the implementation of the Lusaka Agreement, President dos Santos replied that only after political agreement had been reached could full

military withdrawal take place. Awaiting a political resolution would take longer, but would be safer; it was the dialogue that should be speeded up. President dos Santos stressed the need for the Democratic Republic of the Congo to establish a national army to control illegal arms traffic.

31. President dos Santos agreed that there was an area of dispute in the text of the Lusaka Agreement as to the extent of the authority of the Government throughout the territory of the Democratic Republic of the Congo during the transitional period. In his view, the rebel groups should take part in the definition of rules, which would provide a guarantee that they could attain political power through elections. That did not necessarily imply, however, that they would win a place in the Government. That had not been the case in Mozambique or in Angola, where they had been admitted only after the elections.

Meeting with President Nujoma

32. The Security Council mission met with President Nujoma and some of his senior officials in Kinshasa on 19 May. The Namibian Head of State had come to the Congolese capital to participate in a summit meeting of allies.

33. President Nujoma stressed that his country's forces and those of the other members of the Southern African Development Community (SADC) allied with the Government of the Democratic Republic of the Congo had been invited by the legitimate Government of the country in order to prevent "chaos". He drew a sharp distinction between the allies and the "aggressor" forces of Uganda, Rwanda and Burundi, calling on the Security Council to apply sanctions against those countries. The aggressors had armed and encouraged Congolese rebels, "who had killed two and a half million people" without any objection from the Security Council.

34. In response, members of the Security Council mission recalled that the Lusaka Agreement made no distinction between "invited" and "uninvited" forces. That distinction had, however, been made clear in Security Council resolutions. The Council had indeed taken action in the Democratic Republic of the Congo; MONUC was deploying more than 2,000 troops and military observers as the parties completed the disengagement of their forces from the confrontation line. More would be sent if the parties continued to carry out their plans.

Meeting with President Mugabe

35. The Security Council mission met with President Mugabe in Kinshasa on 19 May. The Zimbabwean Head of State had come to the Congolese capital to participate in a summit meeting of allies. The Minister for Foreign Affairs, Stanislaus I. G. Mudenge, also attended the meeting. The questions raised included when and through what modalities Zimbabwean troops would be withdrawn; President Mugabe's recent meeting with President Kagame in Harare; the possible retention by some of the signatories of the military option; and the cooperation of the Government of Zimbabwe with the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

36. President Mugabe said that Zimbabwean troops would withdraw in accordance with the same principles that had required their original deployment, and after their original goals had been met. It would also be necessary to ensure, perhaps through the institution of mechanisms under Chapter VII of the Charter of the United Nations, that there was no risk of the return of Ugandan, Rwandan and Burundian troops. To do otherwise would be "foolish", and would raise the question why Zimbabwean troops had been committed in the first place. Zimbabwe would perform all acts required of it under the Lusaka Agreement, said the President, "but the invaders must go first, and we must be sure they are out before our last man leaves". All the forces had now disengaged, except for those of FLC. The Zimbabwean Head of State expressed willingness to work with Rwanda in this effort.

37. President Mugabe informed the Council mission that President Kagame had come to see him to discuss progress in the peace process, particularly with reference to the armed groups. Though President Kagame had claimed to have seen no progress in that direction, it had in fact been considerable, continued President Mugabe. Zimbabwean forces had identified and "processed" quite a number of them. President Kagame had told President Mugabe that he would now use this information in making his plans.

38. Turning to the Panel of Experts, President Mugabe stated that they had asked him no direct questions during their visit to Zimbabwe. Since its

entry into the conflict in the Democratic Republic of the Congo had exhausted its resources, Zimbabwe had asked the Government of the Democratic Republic of the Congo to bear the costs. Being unable to do so, President Laurent-Désiré Kabila had suggested a partnership to develop the natural resources of the Democratic Republic of the Congo, sharing the profits equally. In the event, however, the diamond mine offered to his Government had yielded nothing significant. His Government would be happy to provide details, since Zimbabwe had nothing to hide.

Meeting with Jean-Bosco Ndayikengurukiye

39. While in Kinshasa, the Security Council mission met with Jean-Bosco Ndayikengurukiye, the leader of the Front pour la défense de la démocratie, an armed group that had not participated in the peace process facilitated by Mr. Mandela.

40. During the meeting, Mr. Ndayikengurukiye handed the members of the mission a memorandum explaining why FDD rejected the Arusha process, and setting out steps that the international community had to take to help resolve the conflict in Burundi. In the view of FDD, democrats were engaged in a struggle against a military dictatorship that had been in power since 1966. The country's first democratically elected Head of State, President Melchior Ndadaye, had been assassinated, and the constitution of 1992 violated. FDD believed that any resolution of the conflict should be based on the 1992 constitution and should lead to the formation of a new army in accordance with and subject to that constitution.

41. Mr. Ndayikengurukiye said that FDD rejected the Arusha peace process primarily because it called for an immediate ceasefire before addressing the reasons behind the armed struggle. At the same time, he reiterated that FDD was ready to negotiate with the army to restore peace in Burundi. FDD wanted President Bongo to be appointed as co-facilitator to work together with former President Mandela. FDD further requested the dismantlement of camps, the immediate liberation of political prisoners, and the establishment of a human rights commission.

42. Mr. Ndayikengurukiye then suggested a four-phase peace plan involving the formation of new security and defence forces; an end to hostile media campaigns; negotiation of the modalities of implementation of the framework agreement; and a ceasefire agreement. The Government would establish a criminal tribunal, form new national security and defence forces, organize the return of refugees, reorganize the national administration and organize elections.

43. All members of the mission then presented to the FDD leader a very clear and strong message: there was no prospect of military victory in the Burundi conflict; the only way to resolve it was through peaceful negotiations; any party which came to power through the use of force could expect nothing but rejection from the international community; while, by contrast, all those who engaged in negotiations towards a peaceful settlement could expect international support, including the $400 million pledged by donors at the Paris conference in December 2000.

44. On the issue of the possible involvement of President Bongo as co-facilitator, the members of the mission invited Mr. Ndayikengurukiye to discuss this matter with Mr. Mandela if he thought it would be helpful. The Representative of the Secretary-General in Burundi, Jean Arnault, who was present at the meeting, enjoyed the full confidence of the Security Council and was ready to assist. The Council was prepared to discuss other forms of assistance, such as strengthening the facilitator's office, establishing a verification commission and perhaps considering the creation of a tribunal. However, unlike FDD, members insisted that a ceasefire should be first on the list of priorities, not last.

45. In response to what he called this "unambiguous" message from the Council mission, Mr. Ndayikengurukiye stated that he had never envisaged a military solution to the problems of Burundi. He explained that resistance to the army was essentially spontaneous on the part of the people, and that it had only recently taken on an organized form. He stressed the need for a coherent approach to resolving the conflict in his country.

Meetings with Congolese civil society, religious groups and political parties

46. On 20 May the members of the Security Council mission met with representatives in Kinshasa of civil society, religious groups and political parties. The meetings were thus held immediately following President Kabila's announcement on the day of the arrival of the Security Council mission in Kinshasa, 17

May, of the Government's intention to promote dialogue between all Congolese aimed at national reconciliation. The President had stated that that objective could be achieved only if the representatives of the people from different provinces played a real part in that forum, which must not be the concern of politicians alone.

47. In his statement, President Kabila had also announced the promulgation of a law on the organization and functioning of political parties, effectively repealing decree 194, which restricted political party activities. Other measures announced included a partial amnesty and steps to improve the economy.

48. The main points of view that emerged from the discussions between the Security Council mission and the Congolese participants included the urgent need of the Democratic Republic of the Congo for international assistance, including considerably augmented assistance from the United Nations; their insistence on a democratic political structure for the Democratic Republic of the Congo, without privilege for those who had resorted to armed force; support for the Lusaka Agreement and the inter-Congolese dialogue, which should take place, if possible, in the Democratic Republic of the Congo; the need for the completion of phase II and the further deployment of MONUC for phase III; deep concern at the illegal exploitation of the country's natural resources and the role being played in that exploitation by Uganda, Rwanda and Burundi; serious human rights violations throughout the country, particularly those directed against members of the unarmed opposition, the clergy, women and children, and those resisting foreign occupation; the need to disarm, demobilize, reintegrate and resettle the armed groups identified in the Lusaka Agreement; humanitarian concerns; and the prospects for the future.

49. Outside the hotel where the meetings were held, a crowd of several hundred people demonstrated peacefully, calling on President Kabila to resign and voicing support for political parties and for democracy.

Visit to Mbandaka

50. On 20 May, the mission visited sector 1 headquarters at Mbandaka, in Équateur Province, the deployment location of the 280-strong Senegalese guard unit and the future site of the Uruguayan riverine unit. The mission was informed that a total of seven verification and monitoring teams were to be established in sector 1, at Gemena, Gbadolite, Makanza, Basankusu, Bolombo and Befale. Since sector 1 was the last of the four sectors to receive deployment, verification began only on 10 May. Consequently, verification had been completed at only one of the 10 sites to be verified.

51. The head of the mission took the opportunity of the mission's visit to Mbandaka to announce officially the reopening of the River Congo from Kinshasa to Kisangani. Declaring, to applause, that it was time to build peace, he stated that the forthcoming deployment of the MONUC riverine units would stimulate an economic renaissance in the country. Calling on all parties to disengage in accordance with the Harare plan, the head of the mission added that no ceasefire violations would be tolerated.

Meeting with the Government of the Democratic Republic of the Congo

52. Shortly before leaving Kinshasa, on 21 May, the Security Council mission met again with Government Ministers to discuss a range of issues related to the conflict in the Democratic Republic of the Congo, and released a statement to the press on its visit (see addendum to the present report).

Meeting with President Chiluba

53. The Security Council mission met with President Chiluba in Lusaka on 22 May. While noting "encouraging" progress in many areas, the Zambian Head of State invited the Security Council to increase the size of the peacekeeping force when it considered the renewal of the mandate of MONUC in June. President Chiluba attributed to the Security Council the fact that the countries of the region had now gathered sufficient political will to advance the peace process.

54. Members of the mission stressed their deep appreciation of the role played by President Chiluba in supporting the peace process, and stressed their own conviction that the Lusaka Agreement was the only framework within which peace could be restored to the region. It was agreed that all foreign forces should leave the Democratic Republic of the Congo, whether invited or not.

Meeting with the Political Committee

55. The Security Council mission spent the afternoon of 22 May with the Political Committee discussing in great detail the questions of the withdrawal of all foreign forces from the territory of the Democratic Republic of the Congo and the disarmament, demobilization, reintegration and repatriation or resettlement of the armed groups identified in the annex to the Lusaka Ceasefire Agreement.

56. Five main topics were considered at the meeting, namely, the completion of the disengagement exercise; the withdrawal of foreign forces from the territory of the Democratic Republic of the Congo; the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups; the co-location of the Joint Military Commission with MONUC; and the demilitarization of Kisangani.

57. At the outset of the meeting, which was opened by President Chiluba, it was announced that FLC had committed itself to disengaging its forces from their present positions in accordance with the disengagement plan by 1 June, and that MONUC military observers would deploy in Équateur Province during the coming week. Supplementing that announcement, the Chairman of the Political Committee, Minister Patrick Mazimhaka (Rwanda), said it would soon be possible to enter phase III. Planning for the third phase should therefore begin.

58. General Mwaniki, the Chairman of the Joint Military Commission, then reported that a plan had been drawn up for the withdrawal of foreign forces from the territory of the Democratic Republic of the Congo (see addendum to the present report), starting from the new defensive positions to which they had redeployed in accordance with the disengagement plan. After some discussion, it was confirmed that D-Day, the starting date for the timetable, should be 22 February, the date of the adoption by the Security Council of resolution 1341 (2001). Pursuant to the three-phase plan, the foreign forces would complete their withdrawal in accordance with the agreed timetable.

59. Members of the Security Council mission insisted that the parties should provide the necessary detailed information concerning the numbers, locations, assembly areas, withdrawal routes and timetables in order to allow the United Nations to make its own plans to assist the parties and to monitor the process.

60. Members stressed that it was necessary to advance the peace process step by step. The disengagement plan and the ceasefire should be strictly observed, and parties responsible for violations should bear the consequences. Direct dialogue between the Heads of State concerned was particularly important, with the objectives of national reconciliation internally, and the reconciliation of all the countries in the region. The Security Council would continue to keep the situation under very close review.

61. Discussion then turned to the plan for disarmament, demobilization, reintegration and repatriation or resettlement adopted by the Political Committee (see addendum to the present report). Members of the Security Council mission made it clear that the plan should be carried out against the background of close cooperation between President Kabila and President Kagame. Its terms should be strictly adhered to, and United Nations assistance would be provided taking into consideration the level of commitment shown by the parties in their compliance with the plan. The first essential was for the parties to provide the information required, including the numbers, locations and armaments of the various armed groups, and the proposed sites of their demobilization areas. In that connection, the mission expressed concern that the current level, content and frequency of the bilateral contacts between the Governments involved might not be sufficient to ensure the necessary cooperation.

62. However, Foreign Minister Mudenge of Zimbabwe assured the Security Council mission that, by comparison with the previous year, relations between the signatory parties, certainly at the ministerial level, were greatly improved. A good working environment had developed among the members of the Political Committee.

63. Members of the Security Council mission put several additional questions concerning the intentions of signatories and their willingness and ability to carry them out in accordance with the plans they had approved. They cautioned strongly that the Security Council expected to see steady, consistent progress and strict adherence to all agreements and timetables. The momentum must be maintained, and violations would not be tolerated.

64. Members stressed that it was essential that the parties adhere strictly to the adopted timetable and

provide all the necessary information concerning positions, numbers, armaments etc. To date, only Uganda had done so in the necessary detail. On the basis of the information to be provided, MONUC would have to draw up plans and modalities for the assistance the United Nations was to provide. This could not be done before the mandate of MONUC expired on 15 June unless the information was available in New York on 1 June at the latest. Only then would it be possible to use it as the basis for the recommendations in the report of the Secretary-General.

65. The question of the co-location of the Joint Military Commission with MONUC was described as a technical, rather than a political, issue. Although objections had been expressed to Kinshasa as the site of the co-location on the grounds of security, the arrival there of the Tunisian contingent on 20 May had removed that concern. Members of the mission urged the Political Committee to approve the co-location of the Joint Military Commission with MONUC in Kinshasa without further delay.

66. Members of the mission then raised the matter of the demilitarization of Kisangani, pursuant to Security Council resolution 1304 (2000). Although Rwanda and Uganda had both withdrawn their troops from the city in compliance with that resolution, RCD remained there in force. Despite the destruction caused by the fighting, Kisangani had the potential to become a symbol of rebirth in the Democratic Republic of the Congo. The current civil administration, including the police, could remain, but the RCD troops must leave. MONUC Moroccan troops would provide the necessary security, and could even be reinforced.

67. The Secretary-General of RCD, Azarias Ruberwa, strongly objected to this demand. RCD had not been named in resolution 1304 (2000), and in any case the Security Council had no right to order Congolese to withdraw from Congolese territory. Moreover, RCD had been the most compliant party so far, disengaging all their troops without delay.

68. Members of the mission pointed out in response that resolution 1304 (2000) was directed explicitly at both foreign and Congolese armed forces, including RCD. In accordance with the disengagement plan, it was indeed justifiable to demand that Congolese soldiers withdrew from positions on Congolese territory. RCD had done exactly that, as Mr. Ruberwa had just confirmed, in complying with the disengagement plan. The RCD forces must withdraw from Kisangani.

69. The Security Council mission warned RCD not to mistake the strength of purpose of the Security Council, which maintained its insistence on the implementation of its resolutions through all difficulties and delays. It would be better for RCD to respond to the Security Council's demand with reflection rather than defiance. RCD should not protest too much, or assume the role of accuser when they themselves stood accused. They must comply.

70. The Security Council mission and the Political Committee adopted a joint communiqué at the close of the meeting (see addendum to the present report).

Meeting with RCD (Goma)

71. Following the meeting of the Political Committee, members of the Security Council mission met informally with the Secretary-General and other officials of RCD (Goma) for a general exchange of views, including on the situation in Kisangani.

Meeting with the signatories of the Arusha Agreement

72. The Security Council mission met with the signatories of the Arusha Agreement at Bujumbura on 24 May, stressing the Council's determination to help the whole region establish lasting peace and stability.

73. Speaking on behalf of a number of allied parties, the President of INKINZO, Alphonse Rugambarara, recalled that six parties of the G-7 had designated Domitien Ndayizeye as their candidate for the transitional leadership, while eight parties of the G-10 had chosen Colonel Bayaganakandi. Mr. Rugambarara said that the signatories were still awaiting a reaction from Mr. Mandela. Mr. Rugambarara called on the Government of Burundi to work with the G-7 and G-10 parties so that they could jointly undertake the negotiations with the armed groups. If the rebels refused to negotiate, sanctions should be imposed on them.

74. The Vice-President of the National Assembly, Mr. Nzojibwami, noted that, under current circumstances, the Arusha Agreement could not be implemented. Rebels based in the Democratic Republic of the Congo were now moving to Burundi. The National Assembly

called on the Security Council to take all possible measures to help end the war in his country. The Assembly requested that the mandate of MONUC be extended to cover Burundi's borders with the Democratic Republic of the Congo and the United Republic of Tanzania in order to prevent infiltration of rebels into Burundi.

75. Another participant, speaking on behalf of the Front pour la démocratie au Burundi (FRODEBU), the Parti libéral (PL), the Parti du Peuple (PP), and the Rassemblement du peuple burundais (RPB), said the Government's "undemocratic" actions had reduced its capacity to effectively discharge its functions, and it no longer had sufficient credibility to negotiate a ceasefire with the rebels. On the transitional leadership issue, the PP representative called on the facilitator and the region to convene another summit to assess the results of the consultations of 19 and 20 March among the parties. He expressed the view that the Government was using the non-return of political leaders in exile as a pretext for not moving forward with implementation.

76. The Minister of Justice, Térence Sinunguruza, representing the Government, said that the signing of the Arusha Agreement had brought a sense of relief to the Burundian people. However, the transitional institutions outlined in the agreement depended on the existence of a ceasefire. The Minister said the implementation of the Lusaka Agreement was having a negative impact on Burundi, and that Lusaka could pose even more serious problems for Burundi in the future if it were not implemented completely, including with the disarmament of the armed groups. Burundian rebels, ex-FAR, Interahamwe and other groups were now moving from the Democratic Republic of the Congo into Burundi. He added that it was particularly important that the United Republic of Tanzania help create the conditions that would permit implementation of the Arusha Agreement.

77. The representative of the Parti pour le redressement national (PARENA), Rémy Nkengurutse, said that the conclusion of a ceasefire agreement was crucial to the Arusha peace process. Only after a ceasefire was obtained could the agreement be implemented and transitional institutions set up. He called on the Security Council to apply sanctions against the rebels and to ensure that they did not receive support from other Governments.

Meeting with President Buyoya

78. President Buyoya said that the Burundian peace process was unusual in the sense that the Arusha Agreement had been signed before a ceasefire agreement had been concluded. Nevertheless, the Government had signed the Arusha Agreement because of immense pressure exerted by the facilitator and the international community, and because of assurances that a ceasefire agreement would be obtained shortly after. However, nine months after the signing, there was still no ceasefire and the armed groups had not joined the process. Though a number of meetings had been held, it was clear that FDD was not ready to negotiate.

79. Violence had been exacerbated in recent months as a result of progress in the Lusaka peace process, said President Buyoya. He noted that the disengagement of forces in the Democratic Republic of the Congo had corresponded to the movement of FDD, ex-FAR and Interahamwe rebels into Burundi. According to President Buyoya, elements of the FAC, FDD, FNL, Mayi-Mayi, ex-FAR, Interahamwe and ex-FAZ (Forces armées zaïroises) were all entering Burundi, through various routes, from the Democratic Republic of the Congo and the United Republic of Tanzania. Some of these elements, he asserted, were being armed by the Democratic Republic of the Congo and Zimbabwe.

80. President Buyoya estimated that FDD currently had about 10,000 fighters, based in the Democratic Republic of the Congo and the United Republic of Tanzania, while FNL had between 3,000 and 3,500 troops, mostly based north of Uvira in the Democratic Republic of the Congo. FDD recruited the majority of its fighters from the Tanzanian refugee camps, located between 10 and 40 km from the Burundian border, said the President. Over the past few months, the security situation along the Burundian/Tanzanian frontier had become so serious that there was now almost an "open state of war". The situation could even lead to the emergence of a new regional conflict, centred on Burundi.

81. President Buyoya said the armed groups had chosen the military option, and must be persuaded to negotiate. If the rebels refused, then the region should impose sanctions against them, as promised at the Nairobi summit in September 2000. The Security Council should ensure that the Democratic Republic of the Congo fulfilled its Lusaka obligations by disarming

FDD and FNL forces based in the Democratic Republic of the Congo. President Buyoya also expressed the view that MONUC should be extended to cover Burundi's borders with the Democratic Republic of the Congo and the United Republic of Tanzania.

82. Turning to the issue of the transitional leadership, President Buyoya said that without a ceasefire, all efforts to implement the Agreement would remain precarious. He noted that there was still no consensus among the signatories on the designation of the transitional president and vice-president. However, the Government was in favour of implementing all provisions of the Agreement that were implementable without a ceasefire and a decision on the transitional leadership. President Buyoya said he was willing to establish a transitional government at once, with the involvement of all political leaders who were currently able to participate, and other politicians could be integrated at a later stage.

Meeting with President Mkapa

83. President Mkapa said he was encouraged by signs of progress in the peace process in the Democratic Republic of the Congo, and hoped that the positive momentum could be sustained. The President expressed the view that the inter-Congolese dialogue should start as soon as possible and should be as inclusive as possible with a view to establishing a consensus among the Congolese on a new political framework for the Democratic Republic of the Congo. He also stressed the importance of ensuring that RCD had a place in the new political dispensation and the new national army. The President expressed concern at what he called the growing tendency to criticize the "aggressors" of the Democratic Republic of the Congo and to belittle the potential dangers of the armed groups for the security of Rwanda, Uganda and possibly Burundi.

84. Regarding the situation in Burundi, President Mkapa gave a brief history of the Regional Peace Initiative, from which the Arusha peace process had stemmed. The agreement provided a vision for a new Burundian society. He said that the armed groups outside the Arusha process should not be perceived merely as negative forces. They were "military expressions of political intent". The issue of the negative forces was not so simple and even some of the Arusha signatories could be perceived as containing "negative forces", including the Government.

85. On the question of whether a ceasefire should precede the transition, he expressed the view that the establishment of a transitional government would give hope to the Burundian population and would show that real change was on its way. This could in turn give impetus to the ceasefire negotiations and could provide the region with the "moral authority" to play a more active role in the ceasefire issue. The Buyoya Government, however, had done nothing to promote the start of the transition, and President Mkapa feared that President Buyoya's insistence on concluding a ceasefire agreement before starting the transition would merely prolong the process.

86. Concern was expressed that the situation in Burundi and the impasse in the Arusha peace process would worsen unless a new "catalyst" was found to push the process in a positive direction. Examples of such a potential new catalyst could include increasing the involvement of the region, searching for new compromises among the Burundian parties, or improving the "chemistry" between the Burundian and Tanzanian leaders. The Security Council was prepared to support any viable proposals, but they had to come from the region itself, not from the Council. The position of the Council was to support the Arusha process and the facilitator. There could be a role for other actors, including perhaps President Bongo, as long as such efforts were authorized by Mr. Mandela and recognized as being part of a single mediation process.

87. President Mkapa cautioned that anger towards Burundian refugees was growing in the United Republic of Tanzania, even among the country's religious leaders, and he was therefore seriously considering sending the refugees back home. On the issue of finding a new catalyst for the peace process, he suggested that the Council mission raise the issue with President Museveni and persuade him, in his capacity as Chairman of the Regional Peace Initiative on Burundi, to convene another regional summit as soon as possible. Such a summit would provide the opportunity for the region to take up the mission's suggestions and views.

Meeting with FNL

88. The representative of FNL, who met with the Security Council mission at Dar es Salaam on 24 May, said his organization sought an in-depth solution to the crisis in Burundi and did not support the Arusha

approach to end the conflict through power sharing. FNL was fighting for social justice and for the respect of human rights, and the aim of its military struggle was not to seize power but to put pressure on the Government and compel it to negotiate. The FNL representative regretted that the United Nations was not more fully involved in Burundi and that its engagement did not go beyond supporting the efforts of the region. The United Nations should urge President Buyoya to be "reasonable", accept the principles of social justice, and open a dialogue with FNL. Negotiations should take place on Burundian soil.

89. Members of the Security Council mission said it was not acceptable to use force, even if the objective was to promote social justice. The Security Council supported the Arusha peace process and the mediation efforts of Mr. Mandela. The political objectives of FNL should be pursued through political means and not military ones. In response, the FNL representative reiterated that his organization was not responsible for the violence in Burundi, that military struggle was not an end in itself, that FNL was ready to negotiate with President Buyoya, and that the United Nations should play a greater role in urging him to do so.

Visit to the Gisozi genocide memorial site

90. Upon arrival in Kigali on 24 May, the Security Council mission paid a brief visit to the Gisozi genocide memorial site, where the head of the mission laid a wreath.

Meeting with Rwandan civil society

91. The mission met with a number of civil society organizations, including genocide survivors, women's groups and commercial associations. They expressed concern about the insecurity in the region, even warning that another genocide might be in the course of preparation. The representative of the genocide survivors said the international community should consider compensation for those who had survived the Rwandan genocide. Representatives of a private bank based in Kigali and the umbrella group for the Rwandan private sector complained of the allegations made in the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, and other speakers said the report (S/2001/357) had been written without consultation with them and contained serious inaccuracies. They requested that compensation be considered, or at least the right of reply.

92. Noting that this was not the purpose of the mission's visit, members pointed out however that the Security Council had extended the mandate of the Panel of Experts in order to allow it to complete its work on the basis of fuller information. This would involve listening to those who felt they had been unfairly criticized in the report. Members also replied to participants' questions concerning the implementation of the programme for the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups, briefing them on the mission's meeting with the Political Committee in Lusaka on 22 May.

93. Representatives of a women's group said the peace process in the Democratic Republic of the Congo should be harmonized with the Burundi process on the basis of the Arusha Agreement. They also expressed appreciation for the adoption by the Council of resolution 1325 (2000) on the role of women in peace negotiations, but hoped that this would be followed up in specific ways.

Meeting with Rwandan Government Ministers

94. Immediately after the meeting with Rwandan civil society, the Security Council mission met with the Minister for Foreign Affairs, André Bumaya, and other Government Ministers to discuss a range of matters connected with the conflict in the Democratic Republic of the Congo. Ministers made it clear that the Government of Rwanda insisted on the full disarmament, demobilization, reintegration and repatriation or resettlement of armed groups and substantial progress in the inter-Congolese dialogue before withdrawing their forces from the Democratic Republic of the Congo.

95. Minister Mazimhaka, the Special Envoy in the Office of the President, and currently Chairman of the Political Committee, noted that the Government of Rwanda was still prepared to work with the allied Governments despite their statement to the press on 19 May accusing Rwanda of genocide in the eastern Democratic Republic of the Congo, and the release by the Government of the Democratic Republic of the Congo of a report of a commission of inquiry blaming Rwanda and Uganda in the assassination of President Laurent-Désiré Kabila. The Minister also expressed doubt that outside aid to the armed groups had ceased,

as called for by the Council in resolution 1304 (2000). Members of the mission assured Minister Mazimhaka that the Security Council mission would arrive at its conclusions independently of statements made by the allied Presidents, or in the report of the commission of inquiry of the Government of the Democratic Republic of the Congo.

Meeting with President Kagame

96. The Security Council mission then met with President Kagame for further discussion of the items raised with the Ministers, and of the report of the Panel of Experts.

97. President Kagame identified three elements of the next phase of the peace process in the Democratic Republic of the Congo: disarmament, demobilization, reintegration and repatriation or resettlement of armed groups, the inter-Congolese dialogue, and the withdrawal of foreign forces, in that order. Though some progress had been made, the Rwandan Head of State was concerned at the new distinction that had arisen between "invited" and "uninvited" forces, or "aggressors" who might be subjected to sanctions. It was necessary for all foreign forces to withdraw from the Democratic Republic of the Congo, said the President.

98. Rwandan troops were in the Democratic Republic of the Congo, continued President Kagame, because of his Government's concern about the security of its borders. If the Security Council could guarantee security, he would be prepared to withdraw at once from the territory of the Democratic Republic of the Congo. Though some appeared to doubt the validity of these security concerns, it had been underscored by the cross-border incursions of the past few days, which the Rwandan army had dealt with "quite adequately", said the President. He also expressed concern that some actors were taking advantage of the peace process to push fighters eastwards from the Democratic Republic of the Congo towards Rwanda and Burundi. Though the coming to power of President Joseph Kabila had certainly improved the situation, it was not enough. In response to a question, President Kagame stressed that the maintenance of good relations between the Head of State of the Democratic Republic of the Congo and Rwanda was necessary, but was not in itself sufficient to lead to a resolution of the conflict. Other actors, including members of the Government of the Democratic Republic of the Congo and other Heads of State, were also part of the equation.

99. It was noted that, in their meetings with the Security Council mission, even the allies of the Government had acknowledged Rwanda's legitimate security concerns, asked if the Government of Rwanda was pursuing its own enquiries into the allegations made by the Panel of Experts on the illegal exploitation of natural resources. President Kagame replied that his Government's internal procedures were following up the allegations, but said that there might be a need for more vigilance. Rwandan citizens were however asking why they had been wronged by the Panel's report. The President also questioned why the members of the Panel had concentrated only on one side in the conflict, to the point where they had even omitted from the report material they had been given concerning activities on the other side. The report was deeply flawed, said President Kagame, who asked the Security Council to treat the matter fairly.

100. The Security Council mission assured President Kagame that the Security Council attached the greatest importance to the security of Rwanda. There could be no peace in the Great Lakes region unless there was peace in Rwanda.

Meeting with Jean-Pierre Bemba

101. The Security Council mission met with the leader of FLC, Jean-Pierre Bemba, in Kampala on 25 May. Mr. Bemba stressed his organization's commitment to the Lusaka Agreement, saying that FLC and other rebel movements had played a critical role in "forcing" the late President Kabila to sign the Agreement. FLC welcomed President Joseph Kabila's readiness to move ahead with the inter-Congolese dialogue and to resume the cooperation of the Government of the Democratic Republic of the Congo with the neutral facilitator. FLC was ready to do its utmost to accelerate the process leading to the dialogue.

102. Mr. Bemba added that FLC had agreed to disengage in phases. At the same time, he requested that the administration of the vacated areas should remain under FLC control, as was the case for Kisangani. Maintaining administrative control over vacated areas was crucial to ensuring the protection of the population, which feared for its safety as the Congolese Armed Forces were about to replace FLC forces.

103. The question was however raised whether FLC was entitled under the Harare disengagement plan to maintain its administration in zones occupied by the Congolese Armed Forces. Expressing their concern, the members of the mission said the Council would react sharply if FLC did not disengage to the agreed position as from 1 June, as stipulated in the joint communiqué adopted by the Security Council and the Political Committee. The members of the mission reiterated the Council's readiness to deploy human rights observers to areas vacated by FLC.

104. Mr. Bemba assured the members of the mission that FLC would disengage as planned. He also stressed the need for the foreign forces to withdraw as soon as possible. With regard to the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups in Équateur Province, he was concerned that the Government had not provided the necessary information regarding these groups. He also stressed his commitment to the reopening of the River Congo from Kinshasa to Kisangani and promised to inquire into the killing of the ICRC workers in the Ituri province. He criticized the report of the Panel of Experts on the illegal exploitation of natural resources for not basing its conclusions on hard evidence.

Meeting with President Museveni

105. In a review of the historical background of the conflicts in the Great Lakes region, President Museveni noted that the problems in the wider region had been accumulating over the decades and were compounded because of lack of attention by the international community. As a result, a confrontation in one country had had significant side effects in another. For example, "because it had never been attended to", the genocide in Rwanda in 1959 had generated a flow of Rwandan refugees to neighbouring countries (Congo, Burundi, Uganda) and resulted in the first massacres in Burundi in 1965.

106. While reiterating his commitment to the Lusaka Agreement, President Museveni expressed concern at the delay in its implementation. Hence the need to urge President Kabila and his allies to implement it and not to attempt to revise it. Uganda, for its part, had respected the agreement it had signed when it decided to withdraw from Kisangani. Perhaps, he said, the demilitarization of the city, which was high on the Council's agenda, could now be achieved. President Museveni added that Uganda intended within the next three weeks to withdraw its forces from the Democratic Republic of the Congo and the north-eastern part of the country — with the exception of Buta, Bunia and the Ruhenzori mountains — because it "did not want to be responsible for the old and new mistakes" that were being committed there. He said that most of the remaining battalions would be withdrawn and only a few would remain, without however providing exact figures in that regard. Uganda's withdrawal would not affect its participation in the Lusaka Agreement. President Museveni also said he had advised Mr. Bemba to stick to the disengagement plan, and believed that it would be possible to convince Mr. Bemba to stay on the political path.

107. On Burundi, President Museveni recalled that sanctions had forced President Buyoya to join the peace process, and said that, in the same vein, sanctions should be imposed on the rebel groups in Burundi and on those who supported them if they failed to adhere to the Arusha process. He said that he was going to call for a meeting of the region to discuss the proposal. Since the rebels' supporters might possibly be targeted by the sanctions, it would be important, in that case, to also involve the United Nations and SADC, in addition to the countries of the region.

108. In response to remarks made by members of the mission, President Museveni severely criticized the Panel of Experts on the illegal exploitation of natural resources for its conduct of its work but added however that, despite his Government's grievances against the report and its authors, his Government had decided to establish a commission of inquiry to look into its conclusions. The Security Council mission noted this intention.

109. On the international conference for the Great Lakes region, President Museveni was of the view that it should be held only once a minimum of peace had been restored in individual countries of the region, notably in Burundi, Rwanda, the Democratic Republic of the Congo, and the Sudan. President Museveni called on the Security Council to play a more active role in the Great Lakes region. With regard to regional efforts to move ahead with the peace process, he believed that it would be important to avoid a multiplicity of mediators.

110. Members of the mission reiterated the Council's strong commitment to ensuring full implementation of

the Lusaka Agreement and supporting any regional initiative to revitalize the process. It was also highlighted that the spirit of tolerance and continued dialogue among the various peoples, religions and cultures of the Great Lakes region had to prevail in order to promote a lasting peace there. Members of the Council welcomed Uganda's decision to establish a commission of inquiry to look into the conclusions of the Panel on the illegal exploitation of natural resources of the Democratic Republic of the Congo.

III. Conclusions and recommendations

The situation in the Democratic Republic of the Congo

111. The Security Council mission found much that was encouraging in its visit to the Great Lakes region. For the first time since the outbreak of the conflict, the outlines of a solution appeared to be taking shape. The Security Council mission stresses the urgency of taking advantage of this window of opportunity. Prominent among these positive indications was the attitude towards the peace process and towards MONUC of President Joseph Kabila, who is clearly committed to the implementation of the Lusaka Ceasefire Agreement and the restoration of peace and democracy to the Democratic Republic of the Congo. Renewed commitments were expressed by the other parties to the Agreement. The Security Council mission expects the Government of the Democratic Republic of the Congo and all parties to live up to their commitments in full, to continue to cooperate closely with MONUC and to discharge their responsibility for the security of United Nations personnel.

112. The mission found that the ceasefire had continued to hold over the past four months, and that disengagement of the belligerents' forces from the confrontation line had been accomplished, pending final verification, in three of the four military sectors. It was also encouraging that MONUC had been able to deploy its guard units and military observers successfully to their designated locations.

113. The attitude of the Congolese people, as reflected by a wide range of civil society organizations, religious groups and opposition political parties whom the Council mission met in Kinshasa and elsewhere, suggests that the country is eager to move forward towards national reconciliation, democratization and development, with respect for human rights and fundamental freedoms in a climate of political plurality. The announcement by President Kabila, on the day of the Security Council mission's arrival in Kinshasa, of the repeal of decree 194, which had banned political parties, was a significant step towards re-energizing the political environment and raising hopes.

114. Nonetheless, serious obstacles remain. The implementation of the letter and the spirit of the Lusaka Ceasefire Agreement will remain difficult in practice as long as the sequencing of the disengagement and withdrawal of forces is viewed subjectively by the parties.

115. The Council mission remains concerned about the reluctance so far of Jean-Pierre Bemba, the leader of FLC, to disengage his forces, which are some 100 km in advance of the positions they ought to be occupying pursuant to the Harare disengagement plan. While the announcement made at the meeting with the Political Committee that FLC is prepared to disengage is welcome, the Security Council must continue to monitor the situation closely as MONUC civilian and military observers deploy in Équateur Province.

116. The promising plans for the total withdrawal of all foreign forces from the territory of the Democratic Republic of the Congo and the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups that have been drafted by the Political Committee must be finalized as quickly as possible. Detailed operational subplans must be drawn up and signed by the military commanders of all parties. The first requirement is for all parties that have not already done so to submit, by early June at the latest, the information required in the necessary detail, to enable MONUC and the Secretary-General to determine whether it constitutes a sufficient basis for United Nations planning for the third phase.

117. In this connection, the mission reaffirmed the respective obligations of the parties as specified in the resolutions of the Security Council, including resolution 1304 (2000), particularly that all foreign forces must withdraw from the Democratic Republic of the Congo. This withdrawal must be conducted in a phased and orderly manner and proceed on a mutual and reciprocal basis according to pre-negotiated plans accepted by all the parties.

118. While the Council mission took a positive view of recent developments in the conflict in the Democratic Republic of the Congo, momentum could easily be lost. The signatory parties must accept their primary responsibility for the implementation of the Agreement. The Security Council, as it contemplates taking decisions that would commit significant human and material resources, will need to judge its responses in the light of the progress demonstrated by the parties themselves.

119. Nevertheless, the mission is conscious that the strong desire of the Congolese people for peace, national reconciliation and development, which was clearly apparent during its visit to the region, and the relative success so far of the ceasefire, require intensified United Nations action.

120. Accordingly, the Security Council mission recommends that the Security Council be prepared to consider, on the basis of specific recommendations to be submitted by the Secretary-General in his forthcoming report, approving a transition to phase III of the activities of MONUC. The Council mission understands that any recommendations the Secretary-General might make are subject to the continuing cooperation of the parties and their timely submission of the necessary detailed information. During that phase, MONUC would assist the parties in carrying out their plans for the phased withdrawal of all foreign forces from the territory of the Democratic Republic of the Congo and for the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups.

121. The co-location of the Joint Military Commission with MONUC would help to allow the two bodies to coordinate military planning for the coming stages of operations. Most of the practical difficulties, including the provision of office accommodation and facilities, now appear to the Council mission to have been resolved. The arrival on 20 May, during the mission's visit, of the Tunisian security contingent, should remove any further concerns about the security of JMC members. The mission recommends that the Security Council should call on the Political Committee to direct the Joint Military Commission to co-locate with MONUC in Kinshasa forthwith or, alternatively, to show what further contribution to the process the Commission could make in its current situation.

122. The Security Council mission left RCD and the Political Committee in no doubt of the imperative need to demilitarize the city of Kisangani without further delay. The persistent presence of RCD forces in the town, which the Council ordered demilitarized in its resolution 1304 (2000) is a violation of that resolution. The mission invites the Security Council to consider further measures to promote compliance with resolution 1304 (2000), perhaps on the recommendation of the Secretary-General. In the context of the demilitarization of Kisangani, consideration of the broader role that the city could play in the economic and political life of the country should be envisaged.

123. The Council mission is aware of serious concerns over the safety and security of the civilian population in the areas to be evacuated by the withdrawal of foreign forces. Some form of civil administration, including a police presence, will be essential. The mission is aware of President Kabila's position that the Government of the Democratic Republic of the Congo should undertake this responsibility. Even if this position were generally accepted, the Government would be likely to face serious financial, organizational and logistical problems in attempting to extend local administration to areas formerly held by foreign forces. These serious concerns have to be addressed by the Congolese parties in the context of the inter-Congolese dialogue. Subject to any decisions that may be taken pursuant to that dialogue, the Security Council may wish to consider any specific support measures that might be proposed in the Secretary-General's forthcoming report on MONUC.

124. The disarmament, demobilization, reintegration and repatriation or resettlement of armed groups is the key to ending the conflict in the Democratic Republic of the Congo. Resolving the remaining problems would remove any need for foreign troops to remain in the east of the country, immeasurably improve the security and quality of economic life for the area's inhabitants, and neutralize a dangerous source of conflict and instability in the region. The Security Council mission received assurances from the members of the Political Committee that they would provide the necessary information on the armed groups to the Joint Military Commission in order to facilitate planning on the steps to be taken towards a successful disarmament, demobilization, reintegration and repatriation or resettlement operation. The mission also trusts that the

Heads of State of the region will remain in close touch with each other on this aspect in particular. The Security Council will take into account the timeliness of the provision of this information, and other indications of the commitment of the parties. The Council may also wish, in the context of the forthcoming report of the Secretary-General, to refine the sanctions regime currently in force vis-à-vis the ex-FAR and the Interahamwe.

125. If the withdrawal of all foreign forces is achieved in accordance with the present draft plan, the implementation of the Lusaka Ceasefire Agreement would have achieved substantial completion in its military aspects. The Security Council mission became aware during its visits and its meetings with the Heads of State of the region of the nuanced positions expressed on this question. However, it was clear to the mission that peace cannot be restored to the Democratic Republic of the Congo until all foreign forces have departed, and that all aspects of the peace process should be carried out in parallel. The mission welcomes indications that some foreign contingents have already been withdrawn, and recommends that the Security Council continue to urge all Governments with foreign forces in the Democratic Republic of the Congo to withdraw them in a phased and reciprocal process, and in accordance with their undertakings in the Lusaka Agreement and the relevant resolutions of the Security Council.

126. The progress made during the mission's visit in the preparations for the inter-Congolese dialogue is encouraging. The Security Council may wish to commend Sir Ketumile Masire, the neutral facilitator, for his efforts, which will result in the convening of a preparatory meeting on 16 July. The Security Council may also wish to confirm that the dialogue should proceed, in all parts of the country, as speedily as possible, and not be delayed by any unnecessary linkages or conditionalities connected to the military aspects of the Lusaka process. In this context, MONUC should be encouraged to assist the visits of Sir Ketumile Masire's two senior associates, Mr. Mogwe and Mr. Ould Lebatt, to the 11 provinces of the Democratic Republic of the Congo over the next few weeks.

127. The Security Council mission is also aware that, as outlined in the latest report of the Secretary-General on MONUC (S/2001/373), entry into phase III will entail a number of other activities which reach beyond the concept of operations that MONUC has been implementing so far. To the extent that MONUC is expected to expand its range of tasks, it should receive the necessary resources, equipment and personnel accordingly, within the overall limit of 5,537 military personnel originally approved by the Council in resolution 1291 (2000).

128. The Security Council mission considers it indispensable for the return to peace to be accompanied by an increase in economic activity, which the international community should mobilize to assist. The mission drew attention to the list of quick-impact projects that could be implemented where MONUC was deployed, and encouraged the international community and international financial institutions to follow up with assistance. During its visit to Mbandaka, the mission announced the reopening of the River Congo and the imminent arrival of the MONUC riverine unit. The restoration of river traffic will permit the re-establishment of links between Kinshasa, Mbandaka and Kisangani, provided all parties cooperate.

129. MONUC can play an important role in reopening the riverine network. Not only will the reopening of the rivers stimulate trade, facilitate the movement of persons and goods and thus the spread of ideas and dialogue, it will significantly reduce the operating costs of MONUC, which at present must transport all goods and personnel by air at considerable expense. It will also have very positive consequences for confidence-building and the strengthening of a sense of national unity. Anything that can be done to renovate the rail and road networks of the Democratic Republic of the Congo would have the same effect. The international community is preparing numerous small quick-impact projects, but should also consider broader economic assistance to accompany the onset of peace wherever MONUC is deployed. Other relevant organs of the United Nations system should be made aware of the importance of economic progress to the health of the peace process itself. The Security Council looks forward to receiving further details concerning the proposed establishment of a Congo River Basin Commission comprising the Congolese parties, United Nations agencies and the Governments of the Republic of the Congo and the Central African Republic under the chairmanship of MONUC.

130. Illegitimate exploitation of the natural resources of the Democratic Republic of the Congo must be

brought to a halt. Those resources belong to the Congolese people. All parties concerned should cooperate with the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo as it continues its enquiries and completes its report. The Security Council mission recommends that, if no progress is made within three months, the Council consider taking the measures necessary to put an end to any continuing illegitimate exploitation.

131. The Security Council mission calls for full respect for human rights by all the parties in the Congolese tragedy, and calls for an immediate cessation of the use of child soldiers and/or their immediate demobilization. It recommends that the Security Council consider, in the light of the forthcoming report of the Secretary-General, the deployment of additional human rights observers in the Democratic Republic of the Congo. War criminals must be held accountable. There should be no impunity, and the Security Council should look forward to further reports from the Special Rapporteur, Roberto Garretón.

132. Lastly, there will be a durable peace only if all the countries of the region succeed in defining for themselves the rules by which to promote security and development. At the appropriate time, an international conference on the Great Lakes region would permit a close and continuous examination of these questions, as well as helping to attract donor contributions. The Security Council should invite the leaders of the region to consider whether the time has come to plan for such a conference.

The situation in Burundi

133. The mission was struck by the complexity and intractability of the situation in Burundi, and its serious potential for large-scale violence. The Security Council mission delivered a very strong message to all its Burundian interlocutors: there is no military solution to the conflict; peace can be achieved only through negotiations within the framework of the Arusha Agreement; all parties must be prepared to compromise. The Security Council may wish to repeat that message and, perhaps on the basis of further recommendations from the Secretary-General, find ways of making it better heard.

134. The regional Heads of State should remain involved, and ways should be found of encouraging dialogue between the Government and the FNL. The strengthening of the Regional Peace Initiative, in a way that would encourage its participants to find additional ways of resolving the conflict, would also be desirable. Urgent attention should be paid to the situation along the border between the United Republic of Tanzania and Burundi, which could ignite a serious deterioration in the crisis. A possible way forward could be the establishment of a joint Burundi-United Republic of Tanzania commission on refugee issues. Following the meeting between the Security Council mission and FDD leaders, a new meeting, possibly in Libreville, should be organized quickly in order to further the dialogue between the Government and FDD.

135. The Council may wish to invite recommendations from the Secretary-General for the strengthening of the office of the facilitator, and for broadening the role of the Representative of the Secretary-General. The Security Council should also consider proposals from the Secretary-General, in consultation with Mr. Mandela, for the establishment of a permanent negotiating mechanism involving the Representative of the Secretary-General in Bujumbura. Such a mechanism, which may require additional personnel and resources, could deal with issues such as the reform of the armed forces and the judiciary, human rights and refugees and displaced persons.

136. The tragedy in Burundi is closely linked with that in the Democratic Republic of the Congo. While in Bujumbura, Dar es Salaam, Kigali and Kampala, the Security Council mission became increasingly aware that the movements of rebel fighters from the Democratic Republic of the Congo eastwards in order to evade being disarmed and demobilized might aggravate the Burundi crisis. It is clear to the Security Council mission that no action that damages Burundi can truly assist the Democratic Republic of the Congo. The Security Council will continue to support a global solution that can assist in restoring peace to both countries, and to the entire Great Lakes region.

137. The Security Council mission wishes to express its deep appreciation to the Heads of State of the Great Lakes region, to Nelson Mandela and to Sir Ketumile Masire, who met with the mission to share their views on these many important questions. The mission is also very grateful to the Special Representative of the Secretary-General for the Democratic Republic of the Congo, Kamel Morjane, to MONUC and to the Representative of the Secretary-General in Burundi,

Jean Arnault, for the sound advice and impeccable arrangements they made for the mission's visits to the Democratic Republic of the Congo and to Burundi. The mission thanks UNDP and other United Nations agencies for the faultless logistical arrangements made on its behalf in Johannesburg, Luanda, Lusaka, Bujumbura, Dar es Salaam, Kigali and Kampala, and the Secretariat staff that accompanied the mission for their dedicated and indefatigable support.